

NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE ASSEMBLY,

DURING THE SESSION

OF

1863-4,

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN FIVE VOLUMES.
VOL. II.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

VOTES AND PROCEEDINGS.
SESSION 1863-4.

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(Arranged as the Papers should be bound.)

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

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TO THE

VOTES AND PROCEEDINGS

AND

PAPERS ORDERED TO BE PRINTED

DURING THE SESSION 1863-4.

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1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 1.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 8 JULY, 1863.

No. 1.

BILL TO RENDER VALID CERTAIN ORDERS OF SEQUESTRATION IN INSOLVENCY.

Clause 1. All orders heretofore made by the Chief Commissioner whereby the estate of any person shall have been ordered to be placed under sequestration and all adjudications by the said Commissioner whereby any such estate shall have been adjudged to be sequestrated shall be deemed to have been lawfully made although the matters required to be proved to the satisfaction of the said Commissioner before the making of any such order or any such adjudication shall not have been so proved "Provided that nothing herein contained 'shall' " make any person liable to any criminal prosecution for any act done or omitted to be done before the passing of this Act or affect the rights or liabilities of any party to any action or "suit" commenced before such passing. (*Read.*)

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Cowper.*)

Amendment proposed,—That the words "Provided that nothing herein contained shall" be omitted. (*Mr. Terry.*)

Question put,—That the words proposed to be omitted stand part of the Clause. Committee divided.

Ayes, 32.

Mr. Cowper,	Mr. Gordon,
Mr. Smart,	Mr. Garrett,
Mr. Robertson,	Mr. Wilson,
Mr. Haworth,	Mr. R. Forster,
Mr. Martin,	Mr. Holt,
Mr. Burdekin,	Mr. Caldwell,
Mr. Macpherson,	Mr. Mate,
Mr. Shepherd,	Mr. J. T. Ryan,
Mr. Morrice,	Mr. Allen,
Mr. Hart,	Mr. Bell,
Mr. Eagar,	Mr. Close,
Mr. Samuel,	Mr. Hannell,
Capt. Moriarty,	Mr. C. Cowper, junr.
Mr. Rusden,	
Mr. Harpur,	<i>Tellers.</i>
Mr. Buchanan,	Mr. Leary,
Mr. W. Forster,	Mr. Tighe.

Noes, 9.

Mr. Piddington,
Mr. Terry,
Mr. Dalgleish,
Mr. Sadleir,
Mr. Stewart,
Mr. Sutherland,
Mr. Cunneen.

Tellers.

Mr. Driver,
Mr. Lucas.

No. 2.

(Same Clause.)

Question proposed,—That all the words after the word “*shall*,” down to the word “*suit*,” inclusive, be omitted, with the view of inserting the words, “*apply to or in any manner affect any suit or action or any civil or criminal proceedings.*” (Mr. Hart.)

Question put,—That the words proposed to be omitted stand part of the Clause. Committee divided.

Ayes, 28.

Mr. Cowper,	Mr. Allen,
Mr. Robertson,	Mr. Dalley,
Mr. Smart,	Mr. C. Cowper, junr.,
Mr. Driver,	*Mr. Rusden,
Mr. Darvall,	Mr. Bell,
Mr. Martin,	Mr. J. T. Ryan,
Capt. Moriarty,	Mr. Close,
Mr. Haworth,	Mr. Holt,
Mr. Macpherson,	Mr. Buchanan,
Mr. Shepherd,	Mr. Mate,
Mr. Burdekin,	Mr. Gordon.
Mr. W. Forster,	
Mr. Samuel,	<i>Tellers.</i>
Mr. Leary,	Mr. Harpur,
Mr. Macleay,	Mr. Tighe.

Noes, 13.

Mr. Hart,
Mr. Terry,
Mr. Dalgleish,
Mr. Wilson,
Mr. Piddington,
*Mr. Rusden,
Mr. Eagar,
Mr. Sutherland,
Mr. Morrice,
Mr. Garrett,
Mr. R. Forster.
<i>Tellers.</i>
Mr. Eagar,
Mr. Lucas.

* So in Tellers' Lists.

No. 3.

(Same Clause.)

Motion made and Question put,—That the following words be added to the Clause—“*or in any way affect any previous election of a Member of the Legislative Assembly.*” (Mr. W. Forster.)

Committee divided.

Ayes, 28.

Mr. Cowper,	Mr. Piddington,
Mr. Smart,	Mr. Dalgleish,
Mr. Robertson,	Mr. Terry,
Mr. Martin,	Mr. Gordon,
Mr. Burdekin,	Mr. Mate,
Mr. Tighe,	Mr. Buchanan,
Mr. Haworth,	Mr. Holt,
Mr. Darvall,	Mr. Close,
Mr. Macpherson,	Mr. Rusden,
Mr. Eagar,	Mr. C. Cowper, junr.,
Mr. Samuel,	Mr. Dalley.
Mr. Leary,	<i>Tellers.</i>
Mr. Macleay,	Mr. Shepherd,
Mr. Harpur,	Mr. R. Forster.
Mr. W. Forster,	

Noes, 9.

Mr. Driver,
Mr. Lucas,
Mr. Wilson,
Mr. Stewart,
Mr. Sutherland,
Mr. Garrett,
Mr. Morrice.
<i>Tellers.</i>
Mr. Egan,
Mr. Hart.

No. 4.

Motion made and Question put,—That the Chairman do now report progress, and ask leave to sit again this day month. (Mr. Dalgleish.)

Committee divided.

Ayes, 14.

Mr. Egan,
Mr. Driver,
Mr. Terry,
Mr. Garrett,
Mr. Wilson,
Mr. Stewart,
Mr. Morrice,
Mr. Dalgleish,
Mr. R. Forster,
Mr. Eagar,
Mr. Piddington,
Mr. Lucas.
<i>Tellers.</i>
Mr. Sutherland,
Mr. Hart.

Noes, 28.

Mr. Cowper,	Mr. Ryan,
Mr. Smart,	Mr. Hannell,
Mr. Suttor,	Mr. Rusden,
Mr. Macpherson,	Mr. Close,
Mr. Leary,	Mr. Martin,
Capt. Moriarty,	Mr. Robertson,
Mr. Burdekin,	Mr. C. Cowper, junr.,
Mr. Tighe,	Mr. Darvall,
Mr. Macleay,	Mr. Dalley,
Mr. Harpur,	Mr. Haworth.
Mr. Shepherd,	<i>Tellers.</i>
Mr. Mate,	
Mr. Bell,	Mr. Buchanan,
Mr. W. Forster,	Mr. Allen.
Mr. Samuel,	
Mr. Gordon,	

The Chairman, on subsequent motion, left the Chair, without instructions to report.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 2.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

FRIDAY, 17 JULY, 1863.

No. 1.

PAYMENT OF WAGES IN MONEY COMPULSION BILL.

Motion made and Question put,—That the Committee agrees to the following Resolution :—

Resolved,—That, in the opinion of this Committee, it is desirable to introduce a Bill to prohibit the payment in certain trades of Wages in Goods, or otherwise than in Colonial Coin or in the current Coin of the Realm. (*Mr. Holroyd*.)

Committee divided.

Ayes, 21.

Mr. Robertson,	Mr. Suttor,
Mr. Redman,	Mr. Lackey,
Mr. Buchanan,	Mr. Macleay,
Mr. Holroyd,	Mr. Harpur,
Mr. Arnold,	Mr. Allen,
Mr. Martin,	Mr. C. Cowper, junr.,
Mr. Stewart,	Mr. Tighe.
Mr. Mate,	<i>Tellers.</i>
Mr. R. Forster,	Mr. Driver,
Mr. Wilson,	Mr. Lucas.
Mr. Dalglish,	
Mr. Rusden,	

Noes, 4.

Mr. W. Forster,
Mr. Macpherson.

Tellers.

Mr. Eagar,
Mr. Burns.

Resolution reported.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 3.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 29 JULY, 1863.

No. 1.

PUBLIC EDUCATION BILL.

Clause 1. The Governor with the advice of the Executive Council may appoint Commissioners not exceeding *eleven* in number who shall thereupon be one body politic and corporate under the name and style of the "Board of Education" and by that name shall have perpetual succession and a common seal and may sue and be sued and may for any purpose of this Act take purchase hold alien and assign any land and personal property.
(*Read.*)

Question proposed,—That the Clause, as read, stand part of the Bill.
(*Mr. Cowper.*)

Amendment proposed,—That the blank (*eleven*) be filled by inserting the word "five." (*Mr. Wilson.*)

Question put,—That the word proposed to be inserted be so inserted.
Committee divided.

Ayes, 40.

Mr. Cowper,	Mr. Piddington,
Mr. Arnold,	Mr. W. Forster,
Mr. Robertson,	Mr. Macpherson,
Mr. Smart,	Capt. Moriarty,
Mr. C. Cowper, junr.,	Mr. Allen,
Mr. R. Forster,	Mr. Morris,
Mr. Haworth,	Mr. Garrett,
Mr. Holt,	Mr. Hannell,
Mr. Sutherland,	Mr. Eckford,
Mr. Alexander,	Mr. Gray,
Mr. Morrice,	Dr. Lang,
Mr. Caldwell,	Mr. Gordon,
Mr. Stewart,	Mr. Wilson,
Mr. Cunneen,	Mr. Rotton,
Mr. Terry,	Mr. Holroyd,
Mr. Burdekin,	Mr. Rusden,
Mr. Dalgleish,	Mr. Bell.
Mr. Shepherd,	
Mr. Love,	<i>Tellers.</i>
Mr. Sadleir,	Mr. Buchanan,
Mr. Leary,	Mr. Lucas.

Noes, 3.

Mr. Mate.
Tellers.
Mr. Harpur,
Mr. Raper.

Clause after further Amendment carried.

No. 2.

(Same Bill.)

Clause 5. The duties of the Board of Education shall be as follows:—

- (1.) To frame regulations for the distribution of all moneys applicable to the purposes of this Act and to determine subject to the provisions of this Act as they shall see fit upon the localities in which public schools shall be established or maintained.
- (2.) To frame regulations for the inspection of public schools and the "examination" and classification of teachers—the course of secular instruction—and the scale of fees from time to time to be paid by or for the pupils attending public "schools"—and generally to do all things necessary for carrying this Act into full effect.
- (3.) To see that all public moneys from time to time applicable to the purposes of Education under this Act be applied strictly to the objects to which they have been so made applicable. (*Read.*)

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Cowper.*)

And the Clause having been amended by inserting the word "training" before the word "Examination,—"

Amendment proposed,—That there be inserted after the word "schools" the words "the appointment and removal of Teachers and other necessary officers." (*Mr. Cowper.*)

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

Ayes, 38.

Mr. Cowper,	Mr. Wilson.
Mr. Smart,	Mr. Buchanan,
Mr. Robertson,	Mr. Garrett,
Mr. Arnold,	Mr. Sadleir,
Mr. C. Cowper, junr.,	Mr. Driver,
Mr. Haworth,	Mr. Piddington,
Mr. Lucas,	Mr. Gray,
Mr. Allen,	Mr. Holt,
Mr. Stewart,	Mr. Love,
Mr. Caldwell,	Dr. Lang,
Mr. Morrice,	Mr. Eckford,
Mr. Redman,	Mr. Tighe,
Mr. Dalglish,	Mr. Mate,
Mr. Terry,	Mr. Morris,
Mr. Hannell,	Mr. Burdekin,
Mr. Shepherd,	Mr. Rotton.
Mr. Leary,	<i>Tellers.</i>
Mr. Sutherland,	Mr. Close,
Capt. Moriarty,	Mr. Bell.
Mr. Macpherson,	

Noes, 5.

Mr. Harpur,
Mr. W. Forster,
Mr. Eagar.*Tellers.*Mr. Cunneen,
Mr. Hart.

Clause, as amended, carried.

No. 3.

(Same Bill.)

Clause 7. All regulations so framed and made being consistent with the several provisions of this "Act" when approved by the Governor with the advice aforesaid and published in the *Gazette* shall have the force of "law" And copies thereof shall within *seven* days after their publication be laid before both Houses of Parliament if sitting and if not then within *seven* days after the opening of the next Session. (*Read.*)Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Cowper.*)Amendment proposed,—That there be inserted after the word "Act" the word "shall." (*Mr. Lucas.*)

And the Committee continuing to sit until after Midnight,—

THURSDAY, 30 JULY, 1863, A.M.

Amendment withdrawn.

Further Amendment proposed,—That there be inserted after the word "law" the words "Until disapproved of by resolution addressed to His Excellency by each House of Parliament." (*Mr. Redman.*)

Question

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

Ayes, 9.

Mr. Holt,
Mr. Redman,
Mr. W. Forster,
Mr. Buchanan,
Mr. Piddington,
Mr. Love,
Dr. Lang.

Tellers.

Mr. Lucas,
Mr. Dalglish.

Noes, 31.

Mr. Cowper,	Mr. Stewart,
Mr. Robertson,	Mr. Mate,
Mr. Arnold,	Mr. Shepherd,
Mr. Smart,	Mr. Allen,
Mr. C. Cowper, junr.,	Mr. Harpur,
Mr. Leary,	Mr. Haworth,
Mr. Driver,	Mr. Eckford,
Mr. Hart,	Mr. Close,
Mr. Cunneen,	Mr. Rotton,
Mr. Tighe,	Mr. Bell,
Mr. Morris,	Mr. Morrice,
Mr. Caldwell,	Mr. Garrett.
Mr. Sadleir,	
Mr. Hannell,	Tellers.
Mr. Burdekin,	Mr. Macpherson,
Mr. Gray,	Mr. Wilson.
Mr. Sutherland,	

Clause, as read, carried.
Progress reported; to sit again.

THURSDAY, 30 JULY, 1863.

No. 4.

(Public Education Bill.)

Clause 8. Notwithstanding any regulation as aforesaid touching fees for the attendance of "pupils" *the Board may* at their discretion reduce or remit the fee and waive any payment for the attendance of any pupil in any public school Provided that sufficient evidence be afforded to them of the inability of such pupil or of the parents or relatives of such pupil to pay the fee in whole or in part. (*Read.*)

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Cowper.*)

Amendment proposed,—That all the words after the word "pupils" to the end of the Clause, be omitted, with the view of inserting the words "no child between five and fourteen years of age whose parents or guardians shall neglect to pay the usual school fees shall be refused admission as a pupil in any public school but shall receive the same attention from the teacher and be placed on a perfect equality with all other pupils who may be attending any school to which it is desired that such child shall be admitted." (*Mr. Lucas.*)

Debate ensued.

Motion made and Question put,—That the Chairman do now report progress and ask leave to sit again this day week. (*Mr. Dalglish.*)

Committee divided.

Ayes, 8.

Mr. Lucas,
Mr. W. Forster,
Mr. Egar,
Mr. Dalglish,
Mr. Allen,
Mr. Dangar.

Tellers.

Mr. Hart,
Mr. Tighe.

Noes, 38.

Mr. Garrett,	Mr. Wilson,
Mr. Driver,	Dr. Lang,
Mr. Cowper,	Mr. Sutherland,
Mr. Holt,	Mr. Sadleir,
Mr. Smart,	Mr. Rotton,
Mr. Robertson,	Mr. Haworth,
Mr. Arnold,	Mr. Eckford,
Mr. Macpherson,	Mr. Mate,
Mr. Redman,	Mr. Gordon,
Mr. Bell,	Mr. Cunneen,
Mr. Burdekin,	Mr. Rusden,
Mr. Terry,	Mr. R. Forster,
Mr. Raper,	Mr. Weekes,
Mr. Morrice,	Mr. C. Cowper, junr.,
Mr. Darvall,	Mr. Love,
Mr. Caldwell,	Mr. Hannell.
Mr. Alexander,	
Capt. Moriarty,	Tellers.
Mr. Stewart,	Mr. Close,
Mr. Gray,	Mr. Leary.

No. 5.

Question put,—That the words "*the Board may*" of the words proposed to be omitted stand part of the Clause.

Committee divided.

Ayes, 26.

Mr. Cowper,	Mr. Mate,
Mr. Smart,	Mr. Gordon,
Mr. Robertson,	Mr. Eckford,
Mr. Arnold,	Mr. Close,
Mr. Alexander,	Mr. Gray,
Mr. Burdekin,	Mr. Darvall,
Mr. Garrett,	Mr. Leary,
Dr. Lang,	Mr. Wilson,
Mr. Caldwell,	Mr. Rusden,
Mr. Terry,	Mr. Weekes.
Mr. Macpherson,	
Mr. Rotton,	Tellers.
Mr. Haworth,	Mr. Bell,
Mr. Cunneen,	Mr. C. Cowper, junr.

Noes, 22.

Mr. Tighe,	Mr. Dangar,
Capt. Moriarty,	Mr. Hannell,
Mr. Holt,	Mr. Morrice,
Mr. Lucas,	Mr. Piddington,
Mr. Driver,	Mr. Love,
Mr. Redman,	Mr. R. Forster.
Mr. Raper,	
Mr. Dalglish,	Tellers.
Mr. Egan,	Mr. Hart,
Mr. Egar,	Mr. Allen.
Mr. W. Forster,	
Mr. Sutherland,	
Mr. Stewart,	
Mr. Sadleir,	

No. 6.

No. 6.

Further Amendment proposed,—That all the words after the words "*the Board may*" be omitted with the view of inserting the words, "where it is expedient or necessary permit the reduction or remission of the School fees." (*Mr. Darvall.*)

Question,—That the words proposed to be omitted stand part of the Clause,—stated.

And the Committee continuing to sit until after Midnight,—

FRIDAY, 31 JULY, 1863. A.M.

Motion made and Question put,—That the Chairman do now report progress and ask leave to sit again to-morrow. (*Mr. Redman.*)
Committee divided.

Ayes, 9.
Mr. Piddington,
Mr. Redman,
Mr. Sutherland,
Mr. Stewart,
Mr. W. Forster,
Mr. Raper,
Mr. Allen.

Tellers.

Mr. Lucas,
Mr. Dalgleish.

Noes, 27.

Mr. Cowper,	Mr. Mate,
Mr. Robertson,	Mr. Holt,
Mr. Smart,	Mr. Wilson,
Mr. Arnold,	Mr. Haworth,
Mr. Macpherson,	Mr. Eckford,
Mr. Leary,	Dr. Lang,
Mr. Close,	Mr. R. Forster.
Mr. Darvall,	Mr. Alexander,
Mr. Cunneen,	Mr. C. Cowper, junr.,
Mr. Burdekin,	Mr. Garrett,
Mr. Caldwell,	<i>Tellers.</i>
Mr. Morrice,	Mr. Bell,
Mr. Rotton,	Mr. Driver,
Mr. Gordon,	
Mr. Rusden,	

No. 7.

Motion made and Question put,—That the Chairman do now leave the Chair. (*Mr. Dalgleish.*)

Committee divided.

Ayes, 9.
Mr. Lucas,
Mr. Dalgleish,
Mr. Stewart,
Mr. W. Forster,
Mr. Raper,
Mr. Sutherland,
Mr. Allen.

Tellers.

Mr. Redman,
Mr. Piddington.

Noes, 29.

Mr. Cowper,	Mr. R. Forster,
Mr. Robertson,	Mr. Rusden,
Mr. Smart,	Mr. Gordon,
Mr. Arnold,	Mr. Haworth,
Mr. C. Cowper, junr.,	Mr. Gray,
Mr. Macpherson,	Mr. Holt,
Mr. Burdekin,	Dr. Lang,
Mr. Close,	Mr. Eckford,
Mr. Cunneen,	Mr. Wilson,
Mr. Leary,	Mr. Alexander,
Mr. Sadleir,	Mr. Garrett.
Mr. Rotton,	<i>Tellers.</i>
Mr. Morrice,	Mr. Bell,
Mr. Caldwell,	Mr. Driver.
Mr. Darvall,	
Mr. Mate,	

No. 8.

Motion made and Question put,—That the Chairman do now report progress and ask leave to sit again to-morrow. (*Mr. Cowper.*)
Committee divided.

Ayes, 22.

Mr. Cowper,	Mr. Mate,
Mr. Smart,	Mr. Sadleir,
Mr. Arnold,	Mr. Darvall,
Mr. Garrett,	Mr. W. Forster,
Mr. Gordon,	Mr. Gray,
Mr. Caldwell,	Mr. Holt,
Mr. Allen,	Mr. Alexander.
Mr. Morrice,	Mr. Eckford.
Mr. Sutherland,	<i>Tellers.</i>
Mr. Redman,	Mr. Rusden,
Mr. Stewart,	Mr. Leary.
Mr. Raper,	

Progress reported.

Noes, 14.

Mr. Burdekin,	<i>Tellers.</i>
Mr. Driver,	Mr. Cunneen,
Mr. Macpherson,	Mr. Close.
Mr. Bell,	
Mr. Piddington,	
Mr. Lucas,	
Mr. Dalgleish,	
Mr. Rotton,	
Mr. Haworth,	
Mr. Wilson,	
Mr. R. Forster,	
Dr. Lang,	

FRIDAY, 31 JULY, 1863.—P.M.

No. 9.

ENCLOSING AND IMPROVING RESERVE AT NEWCASTLE.

Question proposed,—That the Committee agrees to the following Resolution (*Mr. Hannell*):—

"Resolved,—That an Address be presented to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for the present year, a sum not exceeding '£2,000,' for the purpose of enclosing and improving that piece of Land 'situated south of the Military Barracks at Newcastle,' which has been reserved for public recreation."
Amendment

Amendment proposed,—That the figures 2,000 be omitted, with the view of inserting the figures and words, “500, to be paid on condition of an equal amount being raised by voluntary contribution.” (*Mr. Robertson.*)
 Question put,—That the figures proposed to be omitted stand part of the Resolution.
 Committee divided.

Ayes, 12.

Mr. Eagar,
 Mr. Driver,
 Mr. Haworth,
 Mr. Terry,
 Mr. Sutherland,
 Mr. Mate,
 Mr. Dangar,
 Mr. R. Forster,
 Mr. Eckford,
 Mr. Garrett.

Tellers.

Mr. Tighe,
 Mr. Hannell.

Noes, 27.

Mr. Cowper,	Mr. Holroyd,
Mr. Robertson,	Mr. Allen,
Mr. Arnold,	Mr. Caldwell,
Mr. Macpherson,	Dr. Lang,
Capt. Moriarty,	Mr. Hart,
Mr. Lucas,	Mr. Love,
Mr. W. Forster,	Mr. Bell,
Mr. Buchanan,	Mr. Leary,
Mr. Piddington,	Mr. C. Cowper, jun.,
Mr. Cunneen,	Mr. Rusden.
Mr. Burdekin,	
Mr. Gray,	<i>Tellers.</i>
Mr. Stewart,	Mr. Wilson,
Mr. Morrice,	Mr. Dalgleish.
Mr. Faucett,	

No. 10.

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

Amendment proposed,—That the Amendment be amended by inserting before the figures 500 the words and figures, “a sum not exceeding £200, or to be increased to a sum not exceeding.” (*Mr. Lucas.*)

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

Committee divided.

Ayes, 9.

Mr. Lucas,
 Mr. Hannell,
 Mr. Eagar,
 Mr. Haworth,
 Mr. Terry,
 Mr. Dangar,
 Mr. Eckford.

Tellers.

Mr. Tighe,
 Mr. Driver.

Noes, 33.

Mr. Cowper,	Mr. Sadleir,
Mr. Robertson,	Mr. Garrett,
Mr. Arnold,	Mr. Mate,
Capt. Moriarty,	Mr. Caldwell,
Mr. Macpherson,	Mr. R. Forster,
Mr. W. Forster,	Mr. C. Cowper, jun.,
Mr. Wilson,	Dr. Lang,
Mr. Buchanan,	Mr. Hart,
Mr. Burdekin,	Mr. Love,
Mr. Piddington,	Mr. Leary,
Mr. Cunneen,	Mr. Weekes,
Mr. Gray,	Mr. Rusden,
Mr. Morrice,	Mr. Holroyd.
Mr. Stewart,	<i>Tellers.</i>
Mr. Sutherland,	Mr. Bell,
Mr. Faucett,	Mr. Dalgleish.
Mr. Allen,	
Mr. Flett,	

No. 11.

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

Committee divided.

Ayes, 35.

Mr. Cowper,	Mr. Faucett,
Mr. Robertson,	Mr. Garrett,
Mr. Arnold,	Mr. Sadleir,
Mr. C. Cowper, jun.,	Mr. Flett,
Mr. Haworth,	Mr. Cunneen,
Mr. Hannell,	Mr. Caldwell,
Mr. Lucas,	Dr. Lang,
Mr. R. Forster,	Mr. Love,
Mr. Burdekin,	Mr. Hart,
Mr. Terry,	Mr. Sutherland,
Mr. Allen,	Mr. Gray,
Mr. Dalgleish,	Mr. Holroyd,
Mr. Eagar,	Mr. Eckford,
Mr. Macpherson,	Mr. Weekes.
Mr. Morrice,	<i>Tellers.</i>
Mr. Mate,	Mr. Bell,
Mr. Dangar,	Mr. Tighe.
Mr. Driver,	
Mr. Piddington,	

Noes, 6.

Mr. Wilson,
 Mr. Buchanan,
 Mr. Leary,
 Mr. Rusden.

Tellers.

Mr. W. Forster,
 Capt. Moriarty.

Resolution, as amended, put and carried.
Resolution reported.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 4.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 5 AUGUST, 1863.

No. 1.

PUBLIC EDUCATION BILL.

Clause 10. No public school except a school for deaf and dumb or blind pupils shall continue to receive aid from public moneys at any time when for the next preceding six months the average daily attendance of pupils shall have been below "forty" unless such school shall be distant at least two miles by any public highway from the nearest other public school or unless some natural obstacle between such schools prevents the attendance of pupils at such first mentioned school or unless one of such schools shall be for boys alone and the other for girls alone. (Read.)

Question proposed,—That the Clause, as read, stand part of the Bill. (Mr. Cowper.)

And an amendment having been proposed, that the blank "forty" be filled by the word "fifty," which being withdrawn,—

Motion made and Question put,—That the blank be filled by the word forty. (Mr. Cowper.)

Committee divided.

Ayes, 19.

- | | |
|-----------------|-----------------------|
| Mr. Cowper, | Mr. C. Cowper, junr., |
| Mr. Smart, | Mr. Rotton, |
| Mr. Arnold, | Mr. Wilson, |
| Mr. R. Forster, | <i>Tellers.</i> |
| Dr. Lang, | Mr. Bell, |
| Mr. Leary, | Mr. Dalgleish. |
| Mr. Piddington, | |
| Mr. Lucas, | |
| Mr. W. Forster, | |
| Mr. Samuel, | |
| Mr. Eagar, | |
| Mr. Driver, | |
| Mr. Mate, | |
| Mr. Holroyd, | |

Noes, 25.

- | | |
|-----------------|-----------------|
| Capt. Moriarty, | Mr. Laycock, |
| Mr. Buchanan, | Mr. Sadleir, |
| Mr. Walker, | Mr. Shepherd, |
| Mr. Lackey, | Mr. Tighe, |
| Mr. Faucett, | Mr. Garrett, |
| Mr. Hart, | Mr. Caldwell, |
| Mr. Macpherson, | Mr. Allen, |
| Mr. Egan, | Mr. Rusden, |
| Mr. Raper, | Mr. Gordon, |
| Mr. Cunneen, | <i>Tellers.</i> |
| Mr. Love, | Mr. Harpur, |
| Mr. Alexander, | Mr. Burdekin. |
| Mr. Morrice, | |
| Mr. Terry, | |

No. 2.

(Same Clause.)

Motion made and Question put,—That the blank be filled by the words “thirty-five.” *(Mr. Wilson.)*

Committee divided.

Ayes, 21.

Mr. Cowper,	Mr. Shepherd,
Mr. Smart,	Mr. Garrett,
Mr. Arnold,	Mr. Wilson,
Mr. R. Forster,	Mr. Holroyd,
Dr. Lang,	Mr. C. Cowper, junr.,
Mr. Leary,	Mr. Rotton,
Mr. Piddington,	<i>Tellers.</i>
Mr. Lucas,	Mr. Bell,
Mr. W. Forster,	Mr. Dalglish.
Mr. Samuel,	
Mr. Eagar,	
Mr. Driver,	
Mr. Mate,	

Noes, 23.

Capt. Moriarty,	Mr. Terry,
Mr. Buchanan,	Mr. Laycock,
Mr. Walker,	Mr. Tighe,
Mr. Lackey,	Mr. Sadleir,
Mr. Faucett,	Mr. Caldwell,
Mr. Macpherson,	Mr. Allen,
Mr. Egan,	Mr. Rusden,
Mr. Hart,	Mr. Gordon,
Mr. Raper,	<i>Tellers.</i>
Mr. Cunneen,	
Mr. Love,	Mr. Burdekin,
Mr. Alexander,	Mr. Harpur.
Mr. Morrice,	

And an amendment, proposing to fill the blank with the word “thirty,” having, on motion of Mr. Hari, been carried,—
Clause, as amended, carried.

No. 3.

(Same Bill.)

Clause 12. No grant shall be made from public moneys in aid of school buildings or for repairs of school premises unless or until the site thereof shall have been vested in the Board of “Education.” *(Read.)*

Question proposed,—That the Clause, as read, stand part of the Bill. *(Mr. Cowper.)*

Amendment proposed,—That there be added after the word “Education” the words “or in Trustees chosen by the promoters of the school and approved by the Executive Council in trust for educational purposes.” *(Mr. Faucett.)*

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

Committee divided.

Ayes, 18.

Capt. Moriarty,	Mr. Close,
Mr. Burdekin,	Mr. Mate,
Mr. Macpherson,	<i>Tellers.</i>
Mr. Faucett,	Mr. Egan,
Mr. Walker,	Mr. R. Forster.
Mr. Hart,	
Mr. Morrice,	
Mr. Raper,	
Mr. Terry,	
Mr. Cunneen,	
Mr. Allen,	
Mr. Macleay,	
Mr. Gordon,	
Mr. Rusden,	

Noes, 26.

Mr. Cowper,	Mr. Flett,
Mr. Smart,	Mr. Sadleir,
Mr. Arnold,	Mr. W. Forster,
Mr. C. Cowper, junr.,	Mr. Eagar,
Mr. Driver,	Mr. Caldwell,
Mr. Samuel,	Mr. Piddington,
Mr. Wilson,	Mr. Morris,
Mr. Leary,	Mr. Love,
Mr. Shepherd,	Dr. Lang,
Mr. Dalglish,	Mr. Rotton,
Mr. Sutherland,	<i>Tellers.</i>
Mr. Laycock,	
Mr. Garrett,	Mr. Tighe,
Mr. Stewart,	Mr. Lucas.

No. 4.

(Same Clause.)

Motion made and Question put,—That the following Proviso be added to the Clause. *(Mr. Faucett.)*

“Provided that the Board shall be and is hereby duly authorized and directed to
“apply the public moneys applicable to the purposes of this Act towards
“payment of the salaries or fees of the teachers of any schools the buildings
“and site whereof are or shall be vested in Trustees for the purposes of
“education in connection with any religious denomination in the same
“manner and in the same proportions as to the number of pupils attending
“such schools as the salaries or fees of the teachers of schools whose
“buildings and the site thereof shall be vested in the Board.”

Committee divided.

Ayes, 16.

Mr. Faucett,	<i>Tellers.</i>
Capt. Moriarty,	
Mr. R. Forster,	Mr. Egan,
Mr. Macpherson,	Mr. Burdekin.
Mr. Terry,	
Mr. Walker,	
Mr. Hart,	
Mr. Raper,	
Mr. Morrice,	
Mr. Macleay,	
Mr. Gordon,	
Mr. Rusden,	
Mr. Close,	
Mr. Mate,	

Noes, 28.

Mr. Cowper,	Mr. Garrett,
Mr. Smart,	Mr. Flett,
Mr. Arnold,	Mr. Sadleir,
Mr. C. Cowper, junr.,	Mr. W. Forster,
Mr. Tighe,	Mr. Eagar,
Mr. Wilson,	Mr. Caldwell,
Mr. Samuel,	Mr. Piddington,
Mr. Dalglish,	Mr. Morris,
Mr. Shepherd,	Mr. Love,
Mr. Lucas,	Dr. Lang,
Mr. Stewart,	Mr. Rotton,
Mr. Sutherland,	<i>Tellers.</i>
Mr. Laycock,	
Mr. Allen,	Mr. Leary,
Mr. Cunneen,	Mr. Driver.

Clause, as read, carried.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 5.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 12 AUGUST, 1863.

No. 1.

PUBLIC EDUCATION BILL.

Clause 14. In every public school it shall be a condition of receiving aid from public moneys that "four" hours "shall" be set apart during each school day for secular instruction alone and that of such four hours two consecutive hours shall be before noon and two in the afternoon. *(Read.)*

Question proposed,—That the clause, as read, stand part of the Bill. *(Mr. Cowper.)*

Motion made and Question put,—That the blank "four" be filled by the word "five." *(Mr. Lucas.)*

Committee divided.

Ayes, 7.

Mr. Dalgleish,
Dr. Lang,
Mr. Leary,
Mr. Driver,
Mr. Rotton.

Tellers.

Mr. Lucas,
Mr. Wilson.

Noes, 37.

Mr. Cowper,	Mr. Buchanan,
Mr. Arnold,	Mr. Caldwell,
Mr. Smart,	Mr. Gray,
Mr. Robertson,	Mr. Shepherd,
Mr. Macpherson,	Mr. Holt,
Capt. Moriarty,	Mr. Samuel,
Mr. Egan,	Mr. Gordon,
Mr. Rusden,	Mr. C. Cowper, junr.,
Mr. Morris,	Mr. Burdekin,
Mr. Harpur,	Mr. Hart,
Mr. Love,	Mr. Dangar,
Mr. Tighe,	Mr. Bell,
Mr. Sadleir,	Mr. Cunneen,
Mr. Stewart,	Mr. Alexander,
Mr. Haworth,	Mr. Garrett,
Mr. Laycock	<i>Tellers.</i>
Mr. Mate,	Mr. W. Forster,
Mr. Lackey,	Mr. Piddington.
Mr. Suttor,	
Mr. Terry,	

And the blank having been filled by the word "four," and the words "at least" having been inserted before the word "shall," clause, as amended, carried.

No. 2.

(Same Bill.)

Clause 15. No applicant shall be refused admission as a pupil in a public school on account of the religious persuasion of such applicant or of either "parent."
(*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill. (*Mr. Cowper.*)

Amendment proposed, That there be added, after the word "parent," the words "or for neglecting or refusing to pay school fees." (*Mr. Sadleir.*)

Question put,—That the words proposed to be added, be so added.
Committee divided.

Ayes, 16.

Mr. Love,	Mr. Hart,
Mr. Dalglish,	Mr. Holt,
Mr. Tighe,	<i>Tellers.</i>
Mr. Stewart,	
Mr. Piddington,	Mr. Driver,
Mr. Eagar,	Mr. Lucas.
Mr. Sadleir,	
Mr. W. Forster,	
Mr. Harpur,	
Mr. Sutherland,	
Mr. Terry,	
Mr. Dangar,	

Clause put and negatived.

Noes, 21.

Mr. Cowper,	Mr. Gordon,
Mr. Smart,	Mr. Haworth,
Mr. Robertson,	Mr. Mate,
Mr. Arnold,	Mr. Suttor,
Mr. Bell,	Mr. C. Cowper, junr.,
Mr. Rusden,	Mr. Rotton,
Mr. Leary,	Mr. Garrett,
Mr. Macpherson,	<i>Tellers.</i>
Mr. Cunneen,	
Mr. Laycock,	Mr. Morris,
Mr. Shepherd,	Mr. Wilson.
Mr. Caldwell,	

No. 3.

(Same Bill.)

Proposed new clause 12. "The Board shall remunerate all teachers of each public school in the following manner For every pupil therein receiving instruction in reading only at a rate of not less than two pounds per annum For every pupil receiving instruction in reading and writing at a rate of not less than three pounds per annum For every pupil receiving instruction in reading writing and arithmetic at a rate of not less than four pounds per annum." (*Read.*)

Motion made and Question put,—That the proposed new clause, as read, stand part of the Bill. (*Mr. Lucas.*)
Committee divided.

Ayes, 8.

Mr. Holt,
Mr. Dalglish,
Mr. Tighe,
Mr. Harpur,
Mr. Eagar,
Mr. Sutherland,
<i>Tellers.</i>
Mr. Lucas,
Mr. Driver.

Noes, 31.

Mr. Cowper,	Mr. Caldwell,
Mr. Smart,	Mr. Mate,
Mr. Arnold,	Mr. Lackey,
Mr. Robertson,	Mr. Haworth,
Mr. C. Cowper, junr.,	Mr. Terry,
Mr. Macpherson,	Mr. Buchanan,
Mr. Morris,	Dr. Lang,
Mr. Burdekin,	Mr. Love,
Mr. Leary,	Mr. Alexander,
Mr. Wilson,	Mr. Garrett,
Mr. Cunneen,	Mr. Rotton,
Mr. W. Forster,	Mr. Suttor,
Mr. Sadleir,	<i>Tellers.</i>
Mr. Laycock,	
Mr. Stewart,	Mr. Bell,
Mr. Gray,	Mr. Hart.
Mr. Shepherd,	

No. 4.

(Same Bill.)

Proposed new clause 14. "No aid from public moneys shall be granted to any public school until the same shall have been placed under the control of the Board of Education." (*Read.*)

Motion made and Question put,—That the proposed new clause, as read, stand part of the Bill. (*Mr. Rotton.*)
Committee divided.

Ayes, 28.

Mr. Cowper,	Mr. Gray,
Mr. Robertson,	Mr. Leary,
Mr. Arnold,	Mr. Garrett,
Mr. Smart,	Mr. Dalglish,
Dr. Lang,	Mr. Tighe,
Mr. Alexander,	Mr. Sadleir,
Mr. Lucas,	Mr. Laycock,
Mr. Shepherd,	Mr. Bell,
Mr. Caldwell,	Mr. C. Cowper, junr.,
Mr. Wilson,	Mr. Rotton,
Mr. W. Forster,	Mr. Lackey,
Mr. Piddington,	<i>Tellers.</i>
Mr. Eagar,	
Mr. Cunneen,	Mr. Driver,
Mr. Stewart,	Mr. Buchanan.

Noes, 8.

Mr. Macpherson,
Mr. Harpur,
Mr. Morris,
Mr. Burdekin,
Mr. Sutherland,
Mr. Mate,
<i>Tellers.</i>
Mr. Hart,
Mr. Terry.

And

And the Committee continuing to sit until after Midnight,—

THURSDAY, 13 AUGUST, 1863, A.M.

No. 5.

(Same Bill.)

Proposed new clause 17. "The term 'public school' shall for the purposes of this Act mean any school connected with either of the Boards hereby abolished or any school established after the passing of this Act and entitled to receive any public money under this Act." (Read.)

Motion made and Question put,—That the proposed new clause stand part of the Bill. (Mr. Macpherson.)

Committee divided.

Ayes, 9.

Mr. Burdekin,
Mr. Caldwell,
Mr. Morris,
Mr. Sutherland,
Mr. Harpur,
Mr. Love,
Mr. Mate,

Tellers.

Mr. Macpherson,
Mr. Hart.

Noes, 27.

Mr. Cowper,	Mr. Laycock,
Mr. Arnold,	Mr. Cunneen,
Mr. Smart,	Mr. Stewart,
Mr. Robertson,	Mr. Suttor,
Mr. Buchanan,	Mr. Gray,
Mr. Lackey,	Mr. Bell,
Mr. Leary,	Mr. Terry,
Mr. W. Forster,	Dr. Lang,
Mr. Eagar,	Mr. C. Cowper, junr.,
Mr. Dalgleish,	Mr. Wilson,
Mr. Piddington,	Tellers.
Mr. Lucas,	Mr. Garrett,
Mr. Shepherd,	Mr. Driver.
Mr. Rotton,	
Mr. Alexander,	

Bill reported with amendments.

THURSDAY, 13 AUGUST, 1863, P.M.

No. 6.

IMPOUNDING BILL :—

Clause 3. The "Minister" may by notice in the *Gazette* fix upon and determine convenient places for appointing and establishing public pounds. (Read.)

Question proposed,—That the clause, as read, stand part of the Bill. (Mr. Robertson.)

Amendment proposed,—That the word "Minister" be omitted, with the view of inserting the words, "Governor with the advice of the Executive Council." (Mr. Rusden.)

Question put,—That the word proposed to be omitted stand part of the clause. Committee divided.

Ayes, 29.

Mr. Cowper,	Mr. Gray,
Mr. Robertson,	Mr. Egan,
Mr. Arnold,	Mr. Driver,
Mr. Smart,	Mr. Sutherland,
Mr. C. Cowper, junr.,	Mr. Terry,
Mr. Burdekin,	Mr. Stewart,
Mr. Haworth,	Mr. Samuel,
Mr. Flett,	Mr. Laycock,
Mr. Tighe,	Mr. Caldwell,
Mr. Morris,	Mr. Suttor,
Mr. Garrett,	Mr. Weekes,
Mr. Lucas,	Tellers.
Mr. Leary,	Mr. Hart,
Mr. Wilson,	Mr. R. Forster.
Mr. Sadleir,	
Mr. Cunneen,	

Noes, 11.

Mr. Macpherson,
Mr. Mate,
Mr. W. Forster,
Mr. Dalgleish,
Mr. Dangar,
Mr. Harpur,
Mr. Gordon,
Mr. Rusden,
Mr. Rotton,

Tellers.

Mr. Buchanan,
Mr. Piddington.

Clause, as read, carried.

No. 7.

(Same Bill.)

Clause 8. Every poundkeeper shall at his own cost keep the pound to which he is appointed clean and in good repair and shall supply the animals impounded therein with sufficient and wholesome food and water having regard to the capabilities of the district and the circumstances of the season—the charges for such "sustenance" to be fixed for each pound from time to time by the "Governor with the advice of the Executive Council" and published in the *Gazette*—and the poundkeeper may send such animals out of his pound at fit times and to fit places for grazing or watering but not more than six miles from the pound Provided that every poundkeeper shall be responsible to the owner of any impounded animals for every loss or damage occasioned by any wilful act or neglect of himself or his servants. (Read.)

Question proposed,—That the clause, as read, stand part of the Bill. (Mr. Robertson.)

And the clause having been amended, by inserting, before the word "sustenance," the words "care and"—

Amendment

Amendment proposed,—That the words “Governor with the advice of the Executive Council” be omitted, with the view of inserting the words, “majority of Justices assembled in the Court of Petty Sessions nearest to such pound.” (*Mr. Rotton.*)

Question put,—That the words proposed to be omitted stand part of the clause.
Committee divided.

Ayes, 5.

Mr. Garrett,
Mr. Tighe,
* Mr. Stewart,

Tellers.

Mr. R. Forster,
Mr. Redman.

Noes, 33.

Mr. Smart,	Mr. Laycock,
Mr. Cowper,	* Mr. Stewart,
Mr. Martin,	Mr. Dangar,
Mr. Buchanan,	Mr. Morris,
Mr. Macpherson,	Mr. Harpur,
Mr. Cummings,	Mr. Sadleir,
Mr. Mate,	Mr. Haworth,
Mr. Cunneen,	Mr. Rusden,
Mr. Rotton,	Mr. Gordon,
Mr. Dangar,	Mr. Samuel,
Mr. Wilson,	Mr. C. Cowper, junr.,
Mr. Piddington,	Mr. Arnold,
Mr. Leary,	Mr. Weekes,
Mr. Alexander,	<i>Tellers.</i>
Mr. Burdekin,	Mr. Lucas,
Mr. Flett,	Mr. Bell.
Mr. W. Forster,	
Mr. Driver,	

* *So in Tellers' Lists.*

No. 8.

(*Same Clause.*)

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

Ayes, 22.

Mr. Buchanan,	Mr. Harpur,
Mr. Martin,	Mr. Dangar,
Mr. Alexander,	Mr. Sadleir,
Mr. Wilson,	Mr. Piddington,
Mr. Flett,	Mr. Samuel,
Mr. Rusden,	Mr. Bell,
Mr. Mate,	Mr. Driver,
Mr. Haworth,	Mr. Rotton,
Mr. W. Forster,	<i>Tellers.</i>
Mr. Leary,	Mr. Burdekin,
Mr. Gordon,	Mr. Macpherson.
Mr. Cummings,	

Clause, as amended, carried.

Noes, 15.

Mr. Cowper,	Mr. Garrett,
Mr. Robertson,	<i>Tellers.</i>
Mr. Smart,	Mr. Redman,
Mr. Arnold,	Mr. Morris.
Mr. Tighe,	
Mr. Cunneen,	
Mr. Lucas,	
Mr. R. Forster,	
Mr. Sutherland,	
Mr. Laycock,	
Mr. Stewart,	
Mr. Cowper, junr.,	

No. 9.

(*Same Bill.*)

Clause 9. Every poundkeeper shall “demand” for all animals impounded the following fees :—For the first or only head of goats or swine *six* pence and for every additional head thereof “impounded” at the same time and by the same person *three* pence and for every additional head so impounded *one* penny—for the first or only head of cattle *six* pence and for every additional “head” *three* pence and for every additional head so impounded *one* penny—for the first or only horse *one* shilling and for every additional horse not exceeding ten so impounded *six* pence and for every additional head *three* pence—and for the first or only sheep *three* pence and for every additional sheep not exceeding ten *one* penny every additional sheep *one* farthing.

(*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill. (*Mr. Robertson.*)

Amendment proposed,—That there be inserted, after the word “demand,” the words “and retain for his own use.” (*Mr. Macpherson.*)

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

Ayes, 23.

Mr. Burdekin,	Mr. Buchanan,
Mr. Tighe,	Mr. Alexander,
Mr. Martin,	Mr. Leary,
Mr. Rusden,	Mr. Gordon,
Mr. Samuel,	Mr. Macleay,
Mr. Cunneen,	Mr. Gray,
Mr. Stewart,	Mr. Morris,
Mr. Laycock,	Mr. Piddington,
Mr. Sadleir,	<i>Tellers.</i>
Mr. Driver,	Mr. Macpherson,
Mr. Rotton,	Mr. Lucas.
Mr. Dangar,	
Mr. W. Forster,	

Noes, 17.

Mr. Cowper,	Mr. C. Cowper, junr.,
Mr. Robertson,	Mr. Garrett,
Mr. Arnold,	<i>Tellers.</i>
Mr. Redman,	Mr. Mate,
Mr. Bell,	Mr. R. Forster.
Mr. J. T. Ryan,	
Mr. Egan,	
Mr. Cummings,	
Mr. Sutherland,	
Mr. Flett,	
Mr. Wilson,	
Mr. Suttor,	
Mr. Harpur,	

And the clause having been further amended, by inserting, before the word “impounded,” the words “not exceeding”—and by inserting the words “not exceeding,” before the word “head”;—

Clause, as so amended, carried.

No. 10.

No. 10.

(Same Bill.)

Clause 11. Any "proprietor" impounding any animals in the public pound may charge and receive for them respectively to his own use the rates of damage fixed by such first Schedule and rates per mile for driving them according to the scale fixed in the second Schedule hereto including all tolls or ferry dues incurred in such driving.

Question proposed,—That the clause, as read, stand part of the Bill. (*Mr. Robertson.*)

Amendment proposed,—That the word "proprietor" be omitted, with the view of inserting "owner or proprietor." (*Mr. Harpur.*)

Question put,—That the word proposed to be omitted stand part of the clause.
Committee divided.

Ayes, 23.

Mr. Alexander,	Mr. Morris,
Mr. Lucas,	Mr. Martin,
Mr. C. Cowper, junr.,	Mr. Gordon,
Mr. Tighe,	Mr. Piddington,
Mr. Rusden,	Mr. Rotton,
Mr. Macpherson,	Mr. Driver,
Mr. Flett,	Mr. Redman,
Mr. Sadleir,	Mr. Gray,
Mr. Macleay,	<i>Tellers.</i>
Mr. W. Forster,	
Mr. Cummings,	Mr. Buchanan,
Mr. Leary,	Mr. Burdekin.
Mr. Bell,	

Noes, 16.

Mr. Cowper,	Mr. Garrett,
Mr. Robertson,	<i>Tellers.</i>
Mr. Arnold,	
Mr. Mate,	Mr. Egan,
Mr. Wilson,	Mr. R. Forster.
Mr. Suttor,	
Mr. Harpur,	
Mr. Cunneen,	
Mr. Stewart,	
Mr. Laycock,	
Mr. Sutherland,	
Mr. Dangar,	
Mr. J. T. Ryan,	

Clause, as read, carried.

Progress reported—to sit again.

FRIDAY, 14 AUGUST, 1863.

No. 11.

WARATAH COAL COMPANY'S INCORPORATION BILL:—

Postponed clause 81. It shall be lawful for the said Company to make construct and maintain a railway with all proper works and conveniences connected therewith upon across and over the lands and in the direction delineated and described in the Schedule E hereunto annexed commencing at a point on a parcel of three hundred and twenty acres of land situated at or near Waratah in the parish of Newcastle in the county of Northumberland in the said Colony selected by Thomas Grove and continuing to and "terminating at" or upon the southern boundary of a parcel of one hundred and eighty-four acres of land selected by Thomas Sutcliffe Mort near to the waters of the Hunter River and it shall be lawful for the said Company to effect a junction between the said line of railway and the Great Northern "Railway at" or near the point where the said line crosses such Great Northern Railway in accordance with section ninety-nine of the Government Railway Act of one thousand eight hundred and fifty-eight and for the more conveniently effecting such junction it shall be lawful for the said Company with the consent of Robert Archibald Alison Morehead and Matthew Young to divert and alter the course of the railway now being constructed by them so far only as may be necessary for the said Company to form a junction with the said Great Northern Railway by a curve of approach of twenty chains radius provided that in such alteration the curve of approach of the railway so diverted or altered shall be of no less radius and the altered line shall be vested in the said Robert Archibald Alison Morehead and Matthew Young and they shall have the same rights and powers in respect thereto as if the land had been taken and the railway made under the authority of the Act passed to enable them to make their said railway Provided also that such railway shall be constructed and brought into use within the term of five years from the passing of this Act and that the said Company in constructing the same and in forming the junction with and crossing over the Great Northern Railway as aforesaid shall do so in a proper and workmanlike manner to the satisfaction of the Engineer-in-Chief for Railways and shall repair all damages caused by so doing. (*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill. (*Mr. Samuel.*)

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Amendment

Amendment proposed,—That all the words after the words “terminating at,”
 down to the words “Railway at” inclusive, be omitted. (*Mr. Arnold.*)
 Question put,—That the words proposed to be omitted stand part of the Bill.
 Committee divided.

Ayes, 13.

Mr. Eagar,	<i>Tellers.</i>
Mr. Sadleir,	Mr. Macpherson,
Mr. Stewart,	Mr. Burdekin.
Mr. Harpur,	
Mr. Buchanan,	
Mr. Morris,	
Mr. W. Forster,	
Mr. Wilson,	
Mr. Garrett,	
Mr. Holroyd,	
Mr. Weekes,	

Noes, 19.

Mr. Robertson,	Mr. Dalglish,
Mr. Arnold,	Dr. Lang,
Mr. Egan,	Mr. Suttor,
Mr. Hart,	Mr. Haworth,
Mr. Cummings,	Mr. Alexander,
Mr. Dangar,	Mr. Darvall,
Mr. Caldwell,	<i>Tellers.</i>
Mr. Laycock,	Mr. Piddington,
Mr. Sutherland,	Mr. Lucas.
Mr. Mate,	
Mr. Driver,	

Progress reported—to sit again.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 6.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 2 SEPTEMBER, 1863.

No. 1.

ORDERS OF SEQUESTRATION IN INSOLVENCY VALIDATING BILL:—

Clause 1, as amended. All orders heretofore made by the Chief Commissioner whereby the estate of any person shall have been ordered to be placed under sequestration and all adjudications by the said Commissioner whereby any such estate shall have been adjudged to be sequestrated shall be deemed to have been lawfully made although the matters required to be proved to the satisfaction of the said Commissioner before the making of any such order or any such adjudication shall not have been so "proved" Provided that nothing herein contained shall make any person liable to any criminal prosecution for any act done or omitted to be done before the passing of this "Act" or affect the rights or liabilities of any party to any action or suit commenced before such passing or in any way affect any previous election of a Member of the Legislative Assembly. (Read).

Further amendment proposed (with the concurrence of the Committee),—That all the words after the word "proved" down to the word "Act" inclusive, be omitted. (Mr. Lucas.)

Question put,—That the words proposed to be omitted stand part of the clause. Committee divided.

Ayes, 23.

- | | |
|-----------------|-----------------|
| Mr. Robertson, | Mr. Macleay, |
| Mr. Smart, | Mr. Gordon, |
| Mr. Haworth, | Mr. Rusden, |
| Mr. Alexander, | Mr. Morris, |
| Mr. Raper, | Capt. Moriarty, |
| Mr. W. Forster, | Mr. Burdekin, |
| Mr. Harpur, | Mr. Weekes, |
| Mr. Mate, | Mr. Darvall. |
| Mr. Allen, | <i>Tellers.</i> |
| Mr. Flett, | |
| Mr. Rotton, | Mr. Egan, |
| Mr. Cummings, | Mr. Emanuel. |
| Mr. Buchanan, | |

Noes, 21.

- | | |
|-----------------|-----------------|
| Mr. Driver, | Mr. Sadleir, |
| Mr. Love, | Mr. Sutherland, |
| Mr. Eagar, | Mr. Dangar, |
| Mr. Lucas, | Mr. Lackey, |
| Mr. Terry, | Mr. Bell, |
| Mr. Dalgleish, | Mr. Caldwell. |
| Mr. Hart, | <i>Tellers.</i> |
| Mr. Piddington, | |
| Mr. Wilson, | Mr. Tighe, |
| Mr. Garrett, | Mr. Burns. |
| Mr. Holt, | |
| Mr. Morrice, | |
| Mr. Stewart, | |

Clause, as amended, put and carried, and Bill reported with an amendment.

No. 2.

*(Same Bill recommitted, for further consideration of clause 1.)*Motion made,—That the proviso to the clause be omitted. (*Mr. Lucas.*)Question put,—That the words proposed to be omitted stand part of the clause.
Committee divided.

Ayes, 12.

Mr. Alexander,
Mr. Leary,
Mr. Mate,
Mr. Cummings,
Mr. Rotton,
Mr. Macleay,
Mr. W. Forster,
Mr. Harpur,
Mr. Emanuel,
Capt. Moriarty.

Tellers.

Mr. R. Forster,
Mr. Morris.

Noes, 31.

Mr. Cowper, Mr. Stewart,
Mr. Smart, Mr. Cunneen,
Mr. Robertson, Mr. Redman,
Mr. Allen, Mr. Sadleir,
Mr. Dalgleish, Mr. Caldwell,
Mr. Burns, Mr. Dangar,
Mr. Piddington, Mr. Garrett,
Mr. Macpherson, Mr. Driver,
Mr. Hart, Mr. Bell,
Mr. Terry, Mr. Lackey,
Mr. Eagar, Mr. Holt,
Mr. C. Cowper, junr., Mr. Darvall.
Mr. Walker, Tellers.
Mr. Tighe,
Mr. Sutherland, Mr. Lucas,
Mr. Morrice, Mr. Wilson,
Mr. Flett,*Bill reported with a further amendment*

FRIDAY, 4 SEPTEMBER, 1863.

No. 3.

WARATAH COAL COMPANY'S INCORPORATION BILL:—

Postponed clause 81, *as amended, by the omission of all the words in Italics after the words "terminating at."* It shall be lawful for the said Company to make construct and maintain a railway with all proper works and conveniences connected therewith upon across and over the lands and in the direction delineated and described in the Schedule E hereunto annexed commencing at a point on a parcel of three hundred and twenty acres of land situated at or near Waratah in the parish of Newcastle in the county of Northumberland in the said Colony selected by Thomas Grove and continuing to and "terminating at" *or upon the southern boundary of a parcel of one hundred and eighty-four acres of land selected by Thomas Sutcliffe Mert near to the waters of the Hunter River and it shall be lawful for the said Company to effect a junction between the said line of railway and the Great Northern Railway at near the point where the said line crosses such Great Northern Railway in accordance with section ninety-nine of the Government Railway Act of one thousand eight hundred and fifty-eight and for the more conveniently effecting such junction it shall be lawful for the said Company with the consent of Robert Archibald Alison Morehead and Matthew Young to divert and alter the course of the railway now being constructed by them so far only as may be necessary for the said Company to form a junction with the said Great Northern Railway by a curve of approach of twenty chains radius provided that in such alteration the curve of approach of the railway so diverted or altered shall be of no less radius and the altered line shall be vested in the said Robert Archibald Alison Morehead and Matthew Young and they shall have the same rights and powers in respect thereto as if the land had been taken and the railway made under the authority of the Act passed to enable them to make their said railway Provided also that such railway shall be constructed and brought into use within the term of five years from the passing of this Act and that the said Company in constructing the same and in forming the junction with "and crossing over" the Great Northern Railway as aforesaid shall do so in a proper and workmanlike manner to the satisfaction of the Engineer-in-Chief for Railways and shall repair all damages caused by so doing. (*Read.*)*

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

Amendment proposed,—That the words "and crossing over" be omitted. (*Mr. Piddington.*)

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

Committee

Committee divided.

Ayes, 20.

Mr. Cowper,	Mr. Flett,
Mr. Dagleish,	Mr. Dangar,
Mr. Stewart,	Mr. Cummings,
Mr. Garrett,	Mr. Macleay,
Mr. Eagar,	Mr. Suttor,
Mr. Sadleir,	Mr. Morris,
Mr. Wilson,	Mr. Burdekin.
Mr. Gray,	<i>Tellers.</i>
Mr. Harpur,	
Mr. Cunneen,	Mr. R. Forster,
Mr. Mate,	Mr. Driver.

Noes, 6.

Mr. Robertson,
Mr. Arnold,
Mr. Piddington,
Mr. Sutherland.

Tellers.

Mr. Redman,
Mr. Lucas.

Clause, as amended, carried.

Bill reported with an amendment.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 7.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 9 SEPTEMBER, 1863.

No. 1.

PASTORAL INTERESTS CONTRIBUTION BILL (*consideration of the desirability of introducing*):—

Question proposed,—That this Committee agrees to the following Resolution:—

“Resolved,—That in the opinion of this Committee, it is desirable to introduce a Bill to provide ‘*special*’ funds for suppressing certain evils affecting the Pastoral Interests.” (*Mr. Robertson.*)

And the Resolution having been amended by omitting the word “*special*”,—

Motion made and Question put,—That the Committee agrees to the Resolution as amended.

Committee divided.

Ayes, 34.

Mr. Cowper,	Mr. Garrett,
Mr. C. Cowper, junr.,	Mr. Allen,
Mr. Robertson,	Mr. Tighe,
Mr. Smart,	Mr. Suttor,
Mr. Leary,	Mr. Lord,
Mr. Burdekin,	Mr. Close,
Capt. Moriarty,	Mr. Hannell,
Mr. Emanuel,	Mr. Gordon,
Mr. Alexander,	Mr. Gray,
Mr. Lucas,	Dr. Lang,
Mr. Holt,	Mr. Raper,
Mr. Caldwell,	Mr. Rotton,
Mr. Hart,	Mr. Buchanan,
Mr. Stewart,	Mr. Weekes.
Mr. Sadleir,	<i>Tellers.</i>
Mr. Flett,	
Mr. Driver,	Mr. Egan,
Mr. Haworth,	Mr. Terry.

Amended Resolution reported.

Noes, 13.

Mr. Morris,
Mr. W. Forster,
Mr. Wilson,
Mr. Dalgleish,
Mr. Harpur,
Mr. Dangar,
Mr. Eagar,
Mr. Cummings.
Mr. Shepherd,
Mr. Mate,
Mr. Rusden.

Tellers.

Mr. Macpherson,
Mr. Piddington.

THURSDAY, 10 SEPTEMBER, 1863.

No. 2.

SCAB ACT OF 1861 AMENDMENT BILL:—

Motion made and Question put,—That the Preamble be postponed. (*Mr. Morris.*)

Committee divided.

Ayes, 36.

Mr. Robertson,	Mr. Allen,
Mr. Arnold,	Mr. Rusden,
Mr. C. Cowper, junr.,	Mr. W. Forster,
Mr. Morris,	Mr. Piddington,
Mr. Macpherson,	Mr. Hannell,
Mr. Dalgleish,	Mr. Flett,
Mr. Garrett,	Mr. Wilson,
Mr. Close,	Mr. Dangar,
Mr. Burdekin,	Mr. Suttor,
Mr. Cunneen,	Mr. Harpur,
Mr. Shepherd,	Mr. Terry,
Mr. Eagar,	Mr. Sutherland,
Mr. Sadleir,	Mr. Stewart,
Mr. Emanuel,	Capt. Moriarty,
Mr. Holt,	Dr. Lang,
Mr. Lucas,	<i>Tellers.</i>
Mr. Cummings,	
Mr. Samuel,	Mr. Hart,
Mr. Alexander,	Mr. Walker.

Noes, 3.

Mr. Rotton.

Tellers.

Mr. Mate,

Mr. Buchanan.

Bill reported with amendments.

FRIDAY, 11 SEPTEMBER, 1863.

No. 3.

WARATAH COAL COMPANY'S INCORPORATION BILL (*re-committed for further consideration of clause 81*):—

Clause 81, *as amended, by the omission of all the words in Italic after the words "terminating at."* It shall be lawful for the said Company to make construct and maintain a railway with all proper works and conveniences connected therewith upon across and over the lands and in the direction delineated and described in the Schedule E hereunto annexed commencing at a point on a parcel of three hundred and twenty acres of land situated at or near Waratah in the parish of Newcastle in the county of Northumberland in the said Colony selected by Thomas Grove and continuing to and "terminating at" *or upon the southern boundary of a parcel of one hundred and eighty-four acres of land selected by Thomas Sutcliffe Mort near to the waters of the Hunter River "and" it shall be lawful for the said Company to effect a junction between the said line of railway and the Great Northern Railway at* near the point where the said line crosses such Great Northern Railway in accordance with section ninety-nine of the Government Railway Act of one thousand eight hundred and fifty-eight and for the more conveniently effecting such junction it shall be lawful for the said Company with the consent of Robert Archibald Alison Morehead and Matthew Young to divert and alter the course of the railway now being constructed by them so far only as may be necessary for the said Company to form a junction with the said Great Northern Railway by a curve of approach of twenty chains radius provided that in such alteration the curve of approach of the railway so diverted or altered shall be of no less radius and the altered line shall be vested in the said Robert Archibald Alison Morehead and Matthew Young and they shall have the same rights and powers in respect thereto as if the land had been taken and the railway made under the authority of the Act passed to enable them to make their said railway Provided also that such railway shall be constructed and brought into use within the term of five years from the passing of this Act and that the said Company in constructing the same and in forming the junction with "and crossing over" the Great Northern Railway as aforesaid shall do so in a proper and workmanlike manner to the satisfaction of the Engineer-in-Chief for Railways and shall repair all damages caused by so doing. (*Read.*)

Question proposed,—That all the words in Italic after the words "terminating at" be restored, and stand part of the Clause. (*Mr. Garrett.*)

Amendment proposed,—That the word "and" forming part of the words proposed to be restored, be omitted, with the view of inserting in its stead the word "or." (*Mr. Dalgleish.*)

Question put,—That the word proposed to be omitted stand part of the words proposed to be restored.

Committee

Committee divided.

Ayes, 27.	
Mr. Robertson,	Capt. Moriarty,
Mr. Burdekin,	Mr. Morrice,
Mr. Arnold,	Mr. Cunneen,
Mr. Garrett,	Mr. Busden,
Mr. Raper,	Mr. Buchanan,
Mr. Allen,	Mr. Gordon,
Mr. Mate,	Mr. Wilson,
Mr. Flett,	Mr. Harpur,
Mr. Stewart,	Dr. Lang,
Mr. Sadleir,	Mr. Suttor.
Mr. Dangar,	<i>Tellers.</i>
Mr. Macpherson,	Mr. Close,
Mr. W. Forster,	Mr. Hannell.
Mr. Rotton,	
Mr. Cummings,	

Noes, 4.
Mr. Lucas,
Mr. Terry.
Tellers.
Mr. Piddington,
Mr. Dalgleish.

No. 4.

(*Same Clause.*)

Question put,—That the words in *Italic* proposed to be restored be so restored, and stand part of the Clause.

Committee divided.

Ayes, 23.	
Mr. Macpherson,	Mr. Suttor,
Mr. Garrett,	Mr. Dangar,
Mr. Hannell,	Mr. Harpur,
Mr. Dalgleish,	Mr. Gray,
Mr. Cummings,	Mr. Allen,
Mr. Stewart,	Mr. Gordon,
Mr. Mate,	Mr. Wilson,
Mr. Sadleir,	Mr. Buchanan.
Mr. Raper,	<i>Tellers.</i>
Mr. W. Forster,	Mr. Close,
Mr. Morris,	Mr. Eagar.
Mr. R. Forster,	
Mr. Sutherland,	

Noes, 8.
Mr. Robertson,
Mr. Arnold,
Mr. Cunneen,
Mr. Piddington,
Mr. Terry,
Mr. Rotton,
Tellers.
Capt. Moriarty,
Mr. Lucas.

No. 5.

(*Same Clause.*)

Motion made and Question put,—That the clause be further amended by adding at the end thereof, the words "Provided also that when and so soon as that part of the line of Railway from the Great Northern Railway to the waters of the River Hunter may be completed the right of the Company to use the said junction shall cease and determine." (*Mr. Dalgleish.*)

Committee divided.

Ayes, 12.	
Mr. Robertson,	Mr. Lucas.
Mr. Arnold,	<i>Tellers.</i>
Mr. Morris,	Mr. Hart,
Mr. Dalgleish,	Mr. Cunneen.
Capt. Moriarty,	
Mr. Rotton,	
Mr. Piddington,	
Mr. Terry,	
Mr. Cummings,	

Noes, 20.
Mr. Buchanan,
Mr. Macpherson,
Mr. W. Forster,
Mr. Hannell,
Mr. Close,
Mr. Burdekin,
Mr. Wilson,
Mr. Dangar,
Mr. Sadleir,
Mr. Stewart,
Mr. Flett,
Mr. Raper,
Mr. Harpur,
Mr. Suttor,
Mr. Gray,
Mr. Mate,
Mr. Gordon,
Mr. Garrett.
Tellers.
Mr. Allen,
Mr. R. Forster.

No. 6.

(*Same Clause.*)

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

Committee divided.

Ayes, 25.	
Mr. Robertson,	Mr. Flett,
Mr. Arnold,	Mr. Suttor,
Mr. Morris,	Mr. Gray,
Mr. Burdekin,	Mr. Cunneen,
Mr. Macpherson,	Mr. Harpur,
Mr. Garrett,	Mr. R. Forster,
Mr. Raper,	Mr. Gordon,
Mr. Rotton,	Mr. Mate,
Mr. Wilson,	Mr. Allen.
Mr. Sadleir,	<i>Tellers.</i>
Mr. Dangar,	Mr. Hannell,
Mr. Close,	Mr. Buchanan.
Mr. W. Forster,	
Mr. Stewart,	

Noes, 6.
Mr. Piddington,
Mr. Cummings,
Mr. Terry,
Mr. Dalgleish.
Tellers.
Mr. Lucas,
Mr. Hart.

Bill reported with an amendment in Clause 81.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 8.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

FRIDAY, 18 SEPTEMBER, 1863.

No. 1.

TOWNS POLICE BILL:—

Proposed new clause to stand clause 1. The thirty-ninth section of the second Victoria number two is hereby repealed and in lieu thereof be it further enacted that if the driver of any "waggon wain van cart or dray of any kind" shall ride upon any such carriage in any street or public place in any of the towns in the second Victoria number two mentioned not having some person on foot to guide the same (such waggons wains vans carts or drays as are drawn by one horse or by two or more horses abreast and with or without leading horses and driven or guided with reins only excepted) or if the driver of any carriage whatsoever shall wilfully be at such a distance from such carriage or in such a situation whilst it shall be passing upon such street or public place that he cannot have the direction and government of the horse or horses or cattle drawing the same or if any person shall ride upon the shafts of any waggon wain van cart dray or other carriage whatsoever or if the driver of any waggon wain van cart dray coach or other carriage whatsoever meeting any other carriage shall not keep his waggon wain van cart dray coach or carriage on the left or near side of the road or if any person shall in any manner wilfully prevent any other person or persons from passing him or her or any carriage under his or her care upon such street or public place or by negligence or misbehaviour prevent hinder or interrupt the free passage of any carriage or person so in or upon the same every such driver or person so offending shall on conviction forfeit and pay for every such offence any sum not less than ten nor exceeding forty "shillings" And it shall be lawful for any police constable or other person to seize and convey any person so offending before any Justice within any of the said towns to be dealt with according to law. (*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill. (*Mr. Holroyd.*)

Amendment proposed,—That the words "waggon wain van cart or dray of any kind" be omitted, with the view of inserting in their stead the word "vehicle." (*Mr. Driver.*)

Question put.—That the words proposed to be omitted stand part of the clause.
Committee divided.

Ayes, 3.

Mr. Allen.

Tellers.

Mr. Holroyd,
Mr. Rotton.

Noes, 28.

Mr. Cowper,	Mr. Sadleir,
Mr. Smart,	Mr. Caldwell,
Mr. Arnold,	Mr. J. T. Ryan,
Mr. Lucas,	Mr. Bell,
Mr. Dalglish,	Mr. Love,
Mr. Cummings,	Mr. Lackey,
Mr. Morris,	Mr. Sutherland,
Mr. R. Forster,	Mr. Dangar,
Mr. Tighe,	Mr. Gordon,
Mr. Burdekin,	Mr. Buchanan,
Mr. Piddington,	Mr. Close.
Mr. Cunneen,	<i>Tellers.</i>
Mr. W. Forster,	Mr. Wilson,
Mr. Stewart,	Mr. Driver.
Mr. Harpur,	

Question.—That the word proposed to be inserted, be so inserted.—Put and carried.

And the clause having been further amended, by the omission of all the words in Italic, and by the substitution in each case of the word "vehicle" for the words so omitted, and by the omission of all the words ruled through.

No. 2.

(*Same Clause.*)

Further amendment proposed,—That all the words after the word "shillings," be omitted. (*Mr. Driver.*)

Question put.—That the words proposed to be omitted stand part of the clause.
Committee divided.

Ayes, 10.

Mr. Dalglish,
Mr. Wilson,
Mr. Caldwell,
Mr. Tighe,
Mr. Stewart,
Mr. Mate,
Mr. Sadleir,
Mr. Piddington.

Tellers.

Mr. Holroyd,
Mr. Lucas.

Noes, 24.

Mr. Cowper,	Mr. Raper,
Mr. Smart,	Mr. W. Forster,
Mr. Weekes,	Mr. Gray,
Mr. C. Cowper, junr.,	Mr. Flett,
Mr. Suttor,	Mr. Dangar,
Mr. R. Forster,	Dr. Lang,
Mr. Cummings,	Mr. Rusden,
Mr. Burdekin,	Mr. Rotton,
Mr. Cunneen,	Mr. Garrett.
Mr. Morris,	<i>Tellers.</i>
Mr. Allen,	Mr. Driver,
Mr. Love,	Mr. Buchanan.
Mr. Harpur,	

No. 3.

(*Same Bill.*)

Motion made and Question put.—That the Chairman do now leave the Chair.

(*Mr. Holroyd.*)

Committee divided.

Ayes, 5.

Mr. Stewart,
Mr. Mate,
Mr. Sadleir.

Tellers.

Mr. Holroyd,
Mr. Lucas.

Noes, 30.

Mr. Cowper,	Mr. Gray,
Mr. Smart,	Mr. Flett,
Mr. Weekes,	Mr. Dangar,
Mr. C. Cowper, junr.,	Mr. Caldwell,
Mr. Buchanan,	Mr. Wilson,
Mr. Suttor,	Mr. Stewart,
Mr. Cummings,	Mr. Piddington,
Mr. Burdekin,	Mr. Raper,
Mr. Cunneen,	Dr. Lang,
Mr. Love,	Mr. Rusden,
Mr. Allen,	Mr. Rotton,
Mr. Driver,	Mr. Garrett.
Mr. Harpur,	<i>Tellers.</i>
Mr. Tighe,	Mr. Dalglish,
Mr. W. Forster,	Mr. R. Forster.
Mr. Morris,	

Progress reported—to sit again.

No. 4.

PAWNBROKERS BILL:—

Clause 2. It shall be lawful for all persons using and exercising the "trade or" business of a pawnbroker to demand receive and take of and from every person applying or offering to redeem any goods or chattels pawned or pledged with such pawnbroker a profit after the following rates over and above the principal sum which shall have been lent and advanced upon the pledge before any such pawnbroker shall be obliged to re-deliver the same viz. :—

For every pledge upon which there shall have been lent any sum not exceeding two shillings and six-pence the sum of "one penny" for any time during which the said pledge shall remain in pawn not exceeding one month and the same for every month afterwards including the current month in which such pledge shall be redeemed although such month shall not be expired.

For every pledge upon which there shall have been lent the sum of five shillings two-pence.

For every pledge upon which there shall have been lent seven shillings and six-pence three-pence.

For

For every pledge upon which there shall have been lent ten shillings four-pence.

For every pledge upon which there shall have been lent twelve shillings and sixpence five-pence.

For every pledge upon which there shall have been lent fifteen shillings sixpence.

For every pledge upon which there shall have been lent seventeen shillings and sixpence seven-pence.

For every pledge upon which there shall have been lent one pound eight-pence and so on progressively and in proportion for any sum not exceeding forty shillings.

For every pledge upon which there shall have been lent any sum of money exceeding forty shillings and not exceeding forty-two shillings sixteen-pence.

And for every pledge upon which there shall have been lent any sum exceeding forty-two shillings and not exceeding ten pounds at and after the rate of sixpence and no more for the loan of every twenty shillings for all such money so lent by the month including the current month and so in proportion for any fractional sum.

Which said several sums shall be taken in lieu of and as a full satisfaction for all interest due and charges for warehouse room. (*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill. (*Mr. Holroyd.*)

Motion made and Question put,—That the Chairman report progress and ask leave to sit again this day month. (*Mr. Dalgleish.*)

Committee divided.

Ayes, 9.

Mr. R. Forster,
Mr. Garrett,
Mr. Sutherland,
Mr. Stewart,
Mr. Dangar,
Mr. Harpur,
Dr. Lang.

Tellers.

Mr. Dalgleish,
Mr. Driver.

Noes, 21.

Mr. Cowper,	Mr. Cunneen,
Mr. Smart,	Mr. Morris,
Mr. Arnold,	Mr. Caldwell,
Mr. C. Cowper, junr.,	Mr. Love,
Mr. Piddington,	Mr. Allen,
Mr. Rotton,	Mr. Tighe,
Mr. Lucas,	Mr. Rusden.
Mr. Wilson,	
Mr. Mate,	<i>Tellers.</i>
Mr. Buchanan,	Mr. Holroyd
Mr. Raper,	Mr. Burdekin.
Mr. W. Forster,	

No. 5.

(*Same Clause.*)

Original Question stated.

Amendment proposed,—That the words "trade or" be omitted. (*Mr. Dalgleish.*)

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

Committee divided.

Ayes, 21.

Mr. Smart,	Mr. Rotton,
Mr. Arnold,	Mr. Cunneen,
Mr. Holroyd,	Mr. Rusden,
Mr. Raper,	Mr. Mate,
Mr. Buchanan,	Mr. Piddington,
Mr. Garrett,	Mr. Morris,
Mr. Caldwell,	Dr. Lang.
Mr. Love,	<i>Tellers.</i>
Mr. Wilson,	Mr. Lucas,
Mr. Harpur,	Mr. Burdekin.
Mr. Tighe,	
Mr. Allen,	

Noes, 9.

Mr. Cowper,
Mr. Driver,
Mr. C. Cowper, junr.,
Mr. Sutherland,
Mr. W. Forster,
Mr. Dangar,
Mr. Stewart.
<i>Tellers.</i>
Mr. R. Forster,
Mr. Dalgleish.

No. 6.

(*Same Clause.*)

Original Question stated.

Amendment proposed,—That the blank ("one penny") be filled with the words "two pence." (*Mr. Dalgleish.*)

Motion made and Question put,—That the Chairman report progress and ask leave to sit again this day fortnight.

Committee divided.

Ayes, 19.

Mr. Cowper,	Mr. Cummings,
Mr. Smart,	Mr. Cunneen,
Mr. Arnold,	Mr. Stewart,
Mr. Caldwell,	Dr. Lang,
Mr. Raper,	Mr. Holroyd,
Mr. Morris,	Mr. Rotton.
Mr. Mate,	<i>Tellers.</i>
Mr. Garrett,	Mr. Lucas,
Mr. Gray,	Mr. Buchanan.
Mr. Allen,	
Mr. Wilson,	

Noes, 5.

Mr. Sutherland,
Mr. Dangar,
Mr. W. Forster.
<i>Tellers.</i>
Mr. Dalgleish,
Mr. Driver.

The Chairman left the Chair accordingly.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 9.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

FRIDAY, 25 SEPTEMBER, 1863.

No. 1.

METROPOLITAN CORPORATION BILL.

Clause 40. The Mayor shall be *ex officio* a Justice in and for the Colony and shall have precedence in all Municipal "proceedings" and in all Magisterial Courts within the City except those of General and Quarter Sessions and "the Mayor and Aldermen" shall rank in the City *in all other places and on all other occasions* "after" Members of the Legislature. (*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill. (*Mr. Cowper.*)

Amendment proposed,—That all the words after the word "proceedings" down to the word *and*, inclusive, be omitted. (*Mr. Lucas.*)

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

Committee divided.

Ayes, 24.

Mr. Cowper,	Mr. Cummings,
Mr. Darvall,	Mr. Harpur,
Mr. Smart,	Mr. Dangar,
Mr. Arnold,	Mr. Love,
Mr. Robertson,	Mr. Hart,
Mr. Raper,	Mr. Rotton,
Mr. Sutherland,	Mr. Bell,
Mr. Caldwell,	Mr. Weekes,
Mr. Driver,	Capt. Moriarty,
Mr. Allen,	<i>Tellers.</i>
Dr. Lang,	Mr. Tighe,
Mr. Cunneen,	Mr. Burdekin.
Mr. Garrett,	

Noes, 11.

Mr. Wilson,
Mr. Mate,
Mr. W. Forster,
Mr. Dalglish,
Mr. Morrice,
Mr. Gordon,
Mr. Shepherd,
Mr. Piddington,
Mr. Sadleir,

Tellers.

Mr. Lucas,
Mr. Buchanan.

No. 2.

(Same Clause.)

Further Amendment proposed,—That the words "the Mayor and Aldermen" be omitted. (*Mr. Cowper.*)

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Question

Question put,—That the words proposed to be omitted stand part of the clause.
Committee divided.

Ayes, 16.		Noes, 19.	
Mr. Raper,	Mr. Harpur,	Mr. Cowper,	Mr. Shepherd,
Mr. Garrett,	Mr. Morris,	Mr. Smart,	Mr. Gordon,
Mr. Sutherland,	Mr. Dalgleish,	Mr. Robertson,	Mr. Rotton,
Mr. Burdekin,	<i>Tellers.</i>	Capt. Moriarty,	Mr. Darvall,
Mr. Tighe,	Mr. Hart,	Mr. Buchanan,	Mr. Arnold,
Mr. Caldwell,	Mr. Driver.	Mr. Wilson,	Mr. Dangar,
Mr. Love,		Mr. Mate,	<i>Tellers.</i>
Mr. Allen,		Mr. W. Forster,	Mr. Lucas,
Dr. Lang,		Mr. Leary,	Mr. Bell.
Mr. Cunneen,		Mr. Sadleir,	
Mr. Cummings,		Mr. Piddington,	

No. 3.

(*Same Clause.*)

And the clause having been further amended, by omitting the words "*in all other places and on all other occasions,*" and by inserting before the word "after" the word "next",—

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

Committee divided.

Ayes, 30.		Noes, 6.	
Mr. Cowper,	Mr. Tighe,	Mr. W. Forster,	
Mr. Robertson,	Mr. Dalgleish,	Mr. Leary,	
Mr. Arnold,	Mr. Cunneen,	Mr. Piddington,	
Mr. Smart,	Mr. Dangar,	Mr. Gordon,	
Mr. Driver,	Mr. Garrett,	<i>Tellers.</i>	
Mr. Hart,	Mr. Morris,	Mr. Mate,	
Mr. Darvall,	Mr. Allen,	Mr. Buchanan.	
Mr. Burdekin,	Mr. Raper,		
Mr. Sutherland,	Mr. Rotton,		
Dr. Lang,	Capt. Moriarty,		
Mr. Shepherd,	Mr. Bell,		
Mr. Cummings,	Mr. C. Cowper, junr.,		
Mr. Lucas,	<i>Tellers.</i>		
Mr. Harpur,	Mr. Caldwell,		
Mr. Sadleir,	Mr. Love.		
Mr. Wilson,			

No. 4.

(*Same Bill.*)

BY-LAWS.

Clause 54. The Council may make by-laws for or relating to any or all of the following matters so far as the same are not expressly provided for in this Act—

The regulation of their own proceedings and the duties of their officers and servants

The mode of determining the validity of elections

The collection of all rates

The preparation of the rolls

The suppression of all nuisances and of houses of ill-fame and disorderly houses

The promotion of public health and public decency

The regulation and licensing of all "vehicles" and of the drivers and conductors "of public vehicles"

The sale of unwholesome or adulterated food

The form and mode of service of all notices and process and the form of mortgages and other instruments

The construction of communicating drains with main sewers

The due regulation of the markets and the amount of tolls and fees on produce brought thereto—the sale of all articles therein—the rents or tolls for the occupation of stalls or standing-places therein and of tolls for the sale of horses cattle and other live stock therein or for weighing articles at any weigh-bridge and the effectual collection of all such tolls rents and fees—

And for the due and effectual carrying out of all subject matters of this Act not herein provided for by specific enactment And may in and by such by-laws fix the maximum penalty for every offence against such by-laws or any of them not exceeding the penalty if any already lawfully fixed for the same offences and in no new case exceeding *twenty* pounds And may by any such by-law alter amend or annul any existing by-law And all by-laws so made by the Council when approved by the Governor and published in the *Gazette* but not sooner or otherwise shall have the force of law And subject thereto and till so altered amended or annulled all by-laws relating to the City and the good government and rule thereof lawfully subsisting at the passing of this Act shall except so far as they may be affected by any enactment of this Act remain of full force and authority. (*Read.*)

Question

Question proposed,—That the clause, as read, stand part of the Bill. (*Mr. Cowper.*)

Amendment proposed,—That the words “plying for hire” be inserted after the word “vehicles.” (*Mr. Hart.*)

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

Ayes, 23.

Mr. Cowper,	Mr. Buchanan,
Mr. Robertson,	Mr. Morris,
Mr. Smart,	Mr. W. Forster,
Mr. Leary,	Mr. Allen,
Mr. C. Cowper, junr.,	Mr. Bell,
Capt. Moriarty,	Mr. Gordon,
Mr. Raper,	Mr. Love,
Mr. Caldwell,	Mr. Dangar,
Mr. Eagar,	<i>Tellers.</i>
Mr. Egan,	
Mr. Shepherd,	Mr. Hart,
Mr. Piddington,	Mr. Cummings.
Mr. Rotton,	

Noes, 8.

Mr. Stewart,
Mr. Dalgleish,
Mr. Sutherland,
Mr. Cunneen,
Mr. Sadleir,
Mr. Tighe,
<i>Tellers.</i>
Mr. Driver,
Mr. Lucas.

And the clause having been further amended, by substituting the word “thereof” for the words “of public vehicles,” and by adding at the end of the clause the following proviso—

“Provided that no by-law to be passed by the said Council shall be repugnant to this Act or to the general spirit and intendment of the laws in force within the Colony”,—

Clause, as amended, carried.

No. 5.

(*Same Bill.*)

Clause 57. The “Mayor” *Aldermen and Auditors* may receive from the City Fund such allowance for “their” services as the Council may from time to time determine. (*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill. (*Mr. Cowper.*)

Amendment proposed,—That there be inserted, after the word “Mayor,” the words “shall receive a salary of £700 a year.” (*Mr. Lucas.*)

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

Ayes, 5.

Capt. Moriarty,
Mr. Eagar,
Mr. Raper,
<i>Tellers.</i>
Mr. Egan,
Mr. Lucas.

Noes, 30.

Mr. Cowper,	Mr. Piddington,
Mr. Darvall,	Mr. Garrett,
Mr. Smart,	Mr. Caldwell,
Mr. Robertson,	Dr. Lang,
Mr. Driver,	Mr. Hart,
Mr. Leary,	Mr. Cunneen,
Mr. Bell,	Mr. Shepherd,
Mr. Cummings,	Mr. Mate,
Mr. Harpur,	Mr. Buchanan,
Mr. W. Forster,	Mr. Love,
Mr. Redman,	Mr. Morris,
Mr. Tighe,	Mr. C. Cowper, junr.,
Mr. Sutherland,	<i>Tellers.</i>
Mr. Stewart,	Mr. Wilson,
Mr. Burdekin,	Mr. Dalgleish.
Mr. Dangar,	

No. 6.

(*Same Clause.*)

The clause having been amended, by omitting the words *Aldermen and Auditors*, and by substituting the word “his” for the word “their”,—

Motion made and Question put,—That the clause be further amended, by adding at the end the following proviso:—

“Provided that the salary of the Mayor shall not exceed the sum of seven hundred pounds per annum.” (*Mr. Piddington.*)

Committee divided.

Ayes, 5.

Mr. Egan,
Mr. Raper,
Mr. Piddington,
<i>Tellers.</i>
Mr. Eagar,
Capt. Moriarty.

Noes, 27.

Mr. Cowper,	Mr. Hart,
Mr. Darvall,	Mr. Cunneen,
Mr. Smart,	Mr. Shepherd,
Mr. Robertson,	Mr. Mate,
Mr. Wilson,	Mr. Buchanan,
Mr. Bell,	Mr. Love,
Mr. Cummings,	Mr. Harpur,
Mr. Driver,	Mr. Morris,
Mr. Sutherland,	Mr. Tighe,
Mr. Allen,	Mr. C. Cowper, junr.,
Mr. Stewart,	<i>Tellers.</i>
Mr. Dangar,	Mr. Lucas,
Mr. Burdekin,	Mr. Leary.
Mr. Caldwell,	
Dr. Lang,	

Clause, as amended, carried.

No. 7.

No. 7.

TOWNS POLICE BILL:—

Question,—That clause 1, as amended, stand part of the Bill,—stated.

Motion made and Question put,—That the Chairman report progress, and ask
leave to sit again on Friday next. (*Mr. Driver.*)

Committee divided.

Ayes, 25.

Mr. Cowper,	Mr. Shepherd,
Mr. Robertson,	Mr. Dangar,
Mr. Smart,	Mr. Allen,
Mr. Sutherland,	Mr. Hart,
Mr. Love,	Mr. Wilson,
Mr. Stewart,	Mr. Bell,
Mr. Caldwell,	Mr. C. Cowper, junr.,
Dr. Lang,	Mr. Darvall,
Mr. Raper,	Mr. Cummings,
Mr. Eagar,	<i>Tellers.</i>
Mr. Burdekin,	Mr. Buchanan,
Mr. Leary,	Mr. Driver.
Mr. W. Forster,	
Mr. Morris,	

Noes, 6.

Mr. Lucas,
Mr. Piddington,
Mr. Mate,
Mr. Cunneen,

Tellers.

Mr. Harpur,
Mr. Tighe.

Chairman left the Chair accordingly.[*Price, 3d.*]

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 10.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

FRIDAY, 2 OCTOBER, 1863.

No. 1.

TOWNS POLICE BILL:—

Clause 1, as amended to read as follows—“The thirty-ninth section of the
 “second Victoria number two is hereby repealed and in lieu thereof be it
 “further enacted that if the driver of any vehicle shall ride upon any such
 “vehicle in any street or public place in any of the towns in the second
 “Victoria number two mentioned not having some person on foot to guide
 “the same (such vehicles as are drawn by one or more horses driven or
 “guided with reins only excepted) or if the driver of any vehicle whatsoever
 “shall wilfully be at such a distance from such vehicle or in such a situation
 “whilst it shall be passing upon such street or public place that he cannot
 “have the direction and government of the horse or horses or cattle drawing
 “the same or if any person shall ride upon the shafts of any vehicle or if the
 “driver of any vehicle meeting any other vehicle shall not keep his vehicle
 “on the left or near side of the road or if any person shall in any manner
 “wilfully prevent any other person or persons from passing him or her or any
 “vehicle under his or her care upon such street or public place or by negli-
 “gence or misbehaviour prevent hinder or interrupt the free passage of any
 “vehicle or person so in or upon the same every such driver or person so
 “offending shall on conviction forfeit and pay for every such offence any sum
 “not exceeding forty shillings”—having been put and carried;—

Motion made and Question put,—That the Chairman do now leave the Chair.

(Mr. Rotton.)

Committee divided.

Ayes, 16.

Mr. Cowper,
 Mr. Smart,
 Mr. Weekes,
 Capt. Moriarty,
 Mr. Arnold,
 Mr. Rotton,
 Mr. Hannell,
 Mr. Cunneen,
 Mr. Morrice,

Mr. Cummings,
 Mr. Stewart,
 Mr. Gordon,
 Mr. Dangar,
 Mr. Rusden,
Tellers.
 Mr. Garrett,
 Mr. Lucas.

Noes, 12.

Mr. Morris,
 Mr. Wilson,
 Mr. Samuel,
 Mr. Dalgleish,
 Mr. W. Forster,
 Mr. Raper,
 Mr. Harpur,
 Mr. Tighe,
 Mr. Macleay.

Dr. Lang,
Tellers.
 Mr. Driver,
 Mr. Burdekin.

No report.

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No. 2.

No. 2.

METROPOLITAN CORPORATION BILL.

Clause 75. No such appeal shall be entertained by the said Court unless notice in writing of such appeal being intended is given by the appellant to the Town Clerk at his office within fourteen clear days after the date of the service of notice of assessment "And" if satisfied that any such appeal is frivolous or vexatious the Court may award such costs not exceeding *two* pounds as to such Court shall seem meet against the party so appealing and such costs shall be recovered in a summary way. (*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill. (*Mr. Cowper.*)

Amendment proposed,—That the word "And" be omitted. (*Mr. Lucas.*)

Question put,—That the word proposed to be omitted stand part of the clause. Committee divided.

Ayes, 9.

Mr. Tighe,	<i>Tellers.</i>
Mr. W. Forster,	Mr. Driver,
Mr. Garrett,	Capt. Moriarty.
Mr. Harpur,	
Mr. Hannell,	
Mr. Cummings,	
Mr. Wilson,	

Noes, 16.

Mr. Cowper,	Mr. Dangar,
Mr. Smart,	Mr. Macleay,
Mr. Burdekin,	Mr. Gordon,
Mr. Lucas,	Dr. Lang,
Mr. Mate,	Mr. Weekes,
Mr. Terry,	<i>Tellers.</i>
Mr. Morrice,	Mr. Dalglish,
Mr. Arnold,	Mr. Morris.
Mr. Raper,	

And the clause having been further amended, by omitting all the words after the word "And" to the end of the clause,—
Clause, as amended, carried.

No. 3.

(Same Bill.)

Clause 84. In case any person liable to any rate neglects or refuses to pay the amount thereof to a Collector of Rates or to the City Treasurer fourteen days after a notice that such rate is due shall have been left at the premises liable for such rate the Mayor may by warrant under his hand distrain the goods and "chattels" if any on the property assessed and cause such goods and chattels when distrained to be sold in like manner as goods are now sold for rents and arrear and out of the moneys to arise thereby may pay all costs charges and expenses attendant upon such distress and sale and shall then pay the amount of the rate for which such distress and sale are made and pay over any surplus to the person so distrained upon And in the event of any such distress not realizing sufficient to pay such rate costs charges and expenses the Mayor may from time to time make further and other distress in like manner until the whole amount of the same has been fully paid Provided that such costs shall be according to the rate mentioned at the foot of the eighth Schedule hereto. (*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill. (*Mr. Cowper.*)
And the clause having been amended, by inserting after the word "chattels" the words "of such person";—

Amendment proposed,—That there be added, at the end of the clause, the words "Provided also that such rates be collected during the current half-year."
(*Mr. Lucas.*)

Question put,—That the words proposed to be added be so added. Committee divided.

Ayes, 17.

Mr. C. Cowper, junr.,	Mr. W. Forster,
Mr. Smart,	Mr. Harpur,
Mr. Arnold,	Mr. Dalglish,
Capt. Moriarty,	Mr. Morris,
Mr. Raper,	Dr. Lang,
Mr. Egan,	<i>Tellers.</i>
Mr. Dangar,	Mr. Burdekin,
Mr. Terry,	Mr. Lucas.
Mr. Morrice,	
Mr. Piddington,	

Noes, 5.

Mr. Driver,
Mr. Macleay,
Mr. Gordon,
<i>Tellers.</i>
Mr. Tighe,
Mr. Wilson.

Clause, as amended, carried.

No report.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 11.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 7 OCTOBER, 1863.

No. 1.

WAYS AND MEANS:—

Question proposed,—That the Committee agrees to the following Resolution:—

“Resolved,—‘*That*’ towards making good the supply granted to Her Majesty
“for the service of the year 1864, the sum of £1,458 be granted out of the
“Consolidated Revenue Fund of New South Wales.” (*Mr. Smart.*)

Amendment proposed,—That all the words after the word “*That*” be omitted,
with the view of inserting in their stead, the words, “the financial condition
“of the Country, as shewn by the Estimates of Ways and Means for the year
“1864, is unsatisfactory.” (*Mr. Eagar.*)

Question put,—That the words proposed to be omitted stand part of the Resolution.

Committee divided.

Ayes, 27.

Mr. Cowper,	Mr. Sadleir,
Mr. Robertson,	Mr. Sutherland,
Mr. Smart,	Mr. Dangar,
Mr. Arnold,	Mr. Cunneen,
Mr. C. Cowper, junr.,	Mr. Morrice,
Mr. Holt,	Dr. Lang,
Mr. Haworth,	Mr. Love,
Mr. Alexander,	Mr. Gray,
Mr. Caldwell,	Mr. Darvall,
Mr. Hart,	Mr. Weekes,
Mr. J. N. Ryan,	<i>Tellers.</i>
Mr. Cummings,	
Mr. Garrett,	Mr. Burdekin,
Mr. Lord,	Mr. R. Forster.
Mr. Shepherd,	

Noes, 26.

Capt. Moriarty,	Mr. Hannell,
Mr. Wilson,	Mr. Driver,
Mr. Dalgleish,	Mr. Macleay,
Mr. Terry,	Mr. Martin,
Mr. Tighe,	Mr. Gordon,
Mr. Lucas,	Mr. Macpherson,
Mr. Eagar,	Mr. Buchanan,
Mr. W. Forster,	Mr. Morris,
Mr. Emanuel,	Mr. Samuel,
Mr. Piddington,	<i>Tellers.</i>
Mr. Raper,	
Mr. Stewart,	Mr. Holroyd,
Mr. Leary,	Mr. Faucett.
Mr. Lackey,	
Mr. Mate,	

No. 2.

Original Question put.

Committee divided.

Ayes, 27.

Mr. Cowper,	Mr. Sadleir,
Mr. Robertson,	Mr. Dangar,
Mr. Smart,	Mr. Garrett,
Mr. Arnold,	Mr. Cunneen,
Mr. C. Cowper, junr.,	Mr. Morrice,
Mr. Holt,	Dr. Lang,
Mr. Haworth,	Mr. Love,
Mr. Alexander,	Mr. Gray,
Mr. Caldwell,	Mr. Darvall,
Mr. Hart,	Mr. Weekes,
Mr. J. N. Ryan,	<i>Tellers.</i>
Mr. Cummings,	
Mr. Sutherland,	Mr. Burdekin,
Mr. Lord,	Mr. R. Forster.
Mr. Shepherd,	

Noes, 27.

Capt. Moriarty,	Mr. Mate,
Mr. Faucett,	Mr. Driver,
Mr. Holroyd,	Mr. Hannell,
Mr. Dalgleish,	Mr. Macleay,
Mr. Leary,	Mr. Martin,
Mr. Lucas,	Mr. Gordon,
Mr. Terry,	Mr. Macpherson,
Mr. Eagar,	Mr. Buchanan,
Mr. W. Forster,	Mr. Morris,
Mr. Emanuel,	Mr. Samuel,
Mr. Tighe,	<i>Tellers.</i>
Mr. Piddington,	
Mr. Raper,	Mr. Allen,
Mr. Lackey,	Mr. Wilson.
Mr. Stewart,	

The numbers being equal, the Chairman gave his casting vote with the Noes, and
declared the Question to have passed in the negative.

Progress reported—to sit again this day fortnight.

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1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 12.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

FRIDAY, 27 NOVEMBER, 1863.

No. 1.

SEAMEN'S LAWS AMENDMENT AND CONSOLIDATION BILL.

(Third Schedule.)

FEES TO BE CHARGED FOR MATTERS TRANSACTED AT SHIPPING OFFICES.

1. *Engagement of Crews.*

	£	s.	d.
In ships under 60 tons	0	4	0
60 to 100 "	0	7	0
100 to 200 "	0	15	0
200 to 300 "	1	0	0
300 to 400 "	1	5	0
400 to 500 "	1	10	0
500 to 600 "	1	15	0
600 to 700 "	2	0	0
700 to 800 "	2	5	0
800 to 900 "	2	10	0
900 to 1,000 "	2	15	0

And so on for ships of larger tonnage adding for every 100 tons above 1,000 *five* shillings.2. *Engagement of Seamen separately.**Two* shillings for each.3. *Discharge of Crews.*

	£	s.	d.
In ships under 60 tons	0	4	0
60 to 100 "	0	7	0
100 to 200 "	0	15	0
200 to 300 "	1	0	0
300 to 400 "	1	5	0
400 to 500 "	1	10	0
500 to 600 "	1	15	0
600 to 700 "	2	0	0
700 to 800 "	2	5	0
800 to 900 "	2	10	0
900 to 1,000 "	2	15	0

And so on for ships of larger tonnage adding for every 100 tons above 1,000 *five* shillings.4. *Discharge of Seamen separately.**Two* shillings for each.

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SUMS

SUMS TO BE DEDUCTED FROM WAGES BY WAY OF PARTIAL REPAYMENT OF ABOVE FEES.

1. *In respect of Engagements and Discharges of Crews*

Upon each engagement and each discharge from the wages of each seaman—one shilling.

2. *In respect of Engagements and Discharges of Seamen separately.*

Upon each engagement and each discharge—one shilling. (*Read.*)

Question proposed,—That the Schedule, as read, stand the third Schedule to the Bill.

Amendment proposed,—That the words and figures “In ships under 30 tons0 2 0” be inserted, to stand line 3 of the Schedule. (*Mr. Dalgleish.*)

Question put,—That the words and figures proposed to be inserted, be so inserted. Committee divided.

Ayes, 23.

Mr. Martin,	Mr. Harpur,
Mr. W. Forster,	Mr. Holroyd,
Mr. Eagar,	Mr. Burns,
Mr. Wilson,	Mr. Gordon,
Mr. Macpherson,	Mr. Burdekin,
Mr. Lucas,	Mr. Robertson,
Mr. Dalgleish,	Mr. Close,
Mr. Macleay,	Mr. Cowper,
Mr. Dangar,	<i>Tellers.</i>
Mr. Sadleir,	
Mr. Tighe,	Mr. Buchanan,
Mr. Allen,	Mr. Driver.
Mr. R. Forster,	

Noes, 5.

Mr. Cunneen,
Mr. Terry,
Mr. Garrett,
<i>Tellers.</i>
Mr. Piddington,
Capt. Moriarty.

And the Schedule having been further amended, by omitting “In ships under” from the next line, and the insertion of “30 to” in lieu thereof,—

Schedule further amended, in lines 16 and 31, by omitting the word “two,” and inserting the word “one” in lieu thereof.

Also in lines 3 and 5, page 2, by the omission of the words “one shilling,” and the insertion in lieu thereof of the word “sixpence.”

Schedule, as amended, carried.

No. 2.

(*Same Bill recommitted.*)

Third Schedule, as amended, read.

Amendment proposed, to omit the word “one” from line 16, with a view to insert “two” in lieu thereof.

Question put,—That the word proposed to be omitted stand part of the Schedule.

Committee divided.

Ayes, 7.

Capt. Moriarty,
Mr. R. Forster,
Mr. Garrett,
Mr. Harpur,
Mr. Sadleir,
<i>Tellers.</i>
Mr. Burns,
Mr. Lucas.

Noes, 20.

Mr. Martin,	Mr. Dangar,
Mr. W. Forster,	Mr. Holroyd,
Mr. Wilson,	Mr. Driver,
Mr. Robertson,	Mr. Allen,
Mr. Eagar,	Mr. Macleay,
Mr. Macpherson,	Mr. Gordon,
Mr. Burdekin,	Mr. Morris,
Mr. Piddington,	<i>Tellers.</i>
Mr. Buchanan,	
Mr. Terry,	Mr. Close,
Mr. Cunneen,	Mr. Dalgleish.

Question,—That the word proposed to be inserted, be so inserted, put and carried. And the Schedule being further amended by a similar “omission” and “insertion” in line 31,—

Schedule, as amended, carried.

Bill reported with amendments.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 13.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 9 DECEMBER, 1863.

No. 1.

WAYS AND MEANS—TARIFF SUBMITTED.

Resolution No. 1 :—

“That” towards raising the Supply granted to Her Majesty there shall be charged in lieu of the duties on Spirits and “Wines” imposed by the Act 19 Victoria No. 14 the Import Duties following namely—

On Spirits or Strong Waters of all kinds not being sweetened or mixed (so that the degree of strength cannot be ascertained by the Hydrometer) of the strength of proof and in proportion for any greater or less strength—the gallon	0	10	0
On Spirits or Strong Waters sweetened mixed or perfumed Cordials Liqueurs and all Mixed Liquids under whatever name containing a greater proportion than Thirty <i>per centum</i> of Alcohol—the liquid gallon	0	10	0
On Sam Shou and other spirituous mixtures containing not more than Thirty <i>per centum</i> of Alcohol—the liquid gallon	0	5	0
On Wine containing more than Fifteen and not more than Twenty-five <i>per centum</i> of Alcohol—the liquid gallon	0	3	0
On Wine containing not more than Fifteen <i>per centum</i> of Alcohol—the liquid gallon	0	1	6

(Read.)

And the Resolution having been amended, by inserting after the word “Wines” in the second line, the words “including all such Spirits and Wines now in Bond,” and by adding the following new Clauses, viz. :—

“On Spirits distilled within the Colony when made and distilled from Sugar which shall have paid Customs’ Duties for every proof gallon thereof	0	9	5
“On such Spirits when made or distilled wholly or in any portion exceeding ten <i>per centum</i> of the whole from materials which are not subject to any Duty of Customs for every proof gallon thereof	0	10	0”

404—

Question

Question proposed,—That the Committee agree to the Resolution as amended.
(*Mr. Eagar.*)

* * * * *

Motion made and Question put,—That the Chairman do now report progress, and ask leave to sit again to-morrow. (*Mr. Holt.*)

Committee divided.

Ayes, 32.

Mr. Martin,	Mr. Cunneen,
Mr. Faucett,	Mr. Terry,
Mr. Eagar,	Mr. Gray,
Mr. Wilson,	Mr. Sadleir,
Mr. Allen,	Mr. Lackey,
Mr. Robertson,	Mr. Samuel,
Mr. Holt,	Mr. Raper,
Mr. Holroyd,	Mr. Rusden,
Mr. Egan,	Mr. Buchanan,
Mr. Darvall,	Mr. Macleay,
Mr. Hannell,	Mr. Gordon,
Mr. C. Cowper, junr.,	Mr. Burdekin,
Mr. Alexander,	Mr. Morris.
Mr. Haworth,	<i>Tellers.</i>
Mr. Caldwell,	
Mr. Sutherland,	Mr. Macpherson,
Mr. Leary,	Mr. Dalglish.

Progress reported—to sit again.

Noes, 17.

Mr. Redman,	<i>Tellers.</i>
Mr. Tighe,	
Mr. Burns,	Mr. Walker,
Mr. Love,	Mr. Lucas.
Mr. Garrett,	
Mr. W. Forster,	
Mr. Cummings,	
Mr. Dangar,	
Capt. Moriarty,	
Mr. Stewart,	
Mr. Bell,	
Mr. R. Forster,	
Mr. Morrice,	
Mr. Harpur,	
Dr. Lang.	

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 14.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 16 DECEMBER, 1863.

No. 1.

WAYS AND MEANS—TARIFF SUBMITTED.

Resolution No. 1 :—

That towards raising the Supply granted to Her Majesty there shall be charged in lieu of the duties on Spirits "and Wines," including all such Spirits and Wines now in Bond, imposed by the Act 19 Victoria, No. 14 the Import Duties following namely—

On Spirits or Strong Waters of all kinds not being sweetened or mixed (so that the degree of strength cannot be ascertained by the Hydrometer) of the strength of proof and in proportion for any greater or less strength—the gallon	0	10	0
On Spirits or Strong Waters sweetened mixed or perfumed Cordials Liqueurs and all Mixed Liquids under whatever name containing a greater proportion than Thirty <i>per centum</i> of Alcohol—the liquid gallon	0	10	0
On Sam Shou and other spirituous mixtures containing not more than Thirty <i>per centum</i> of Alcohol—the liquid gallon ...	0	5	0
On Wine containing more than Fifteen and not more than Twenty-five <i>per centum</i> of Alcohol—the liquid gallon ...	0	3	0
On Wine containing not more than Fifteen <i>per centum</i> of Alcohol—the liquid gallon	0	1	6
On Spirits distilled within the Colony when made and distilled from Sugar which shall have paid Customs' Duties for every proof gallon thereof	0	9	5
On such Spirits when made or distilled wholly or in any proportion exceeding ten <i>per centum</i> of the whole from materials which are not subject to any Duty of Customs for every proof gallon thereof	0	10	0

Read.

Question proposed,—That the words “and Wines” be omitted from the second line of Resolution. (*Mr. Martin.*)

Motion made and Question put,—That the Chairman do now report progress, and ask leave to sit again to-morrow. (*Mr. Lucas.*)

Committee divided.

Ayes, 22.

Mr. Cowper,	Mr. Caldwell,
Mr. Robertson,	Dr. Lang,
Mr. Lucas,	Mr. Gray,
Mr. Alexander,	Mr. C. Cowper, junr.,
Mr. Tighe,	Mr. Weekes.
Mr. Sadleir,	<i>Tellers.</i>
Mr. Dangar,	Mr. Garrett,
Mr. Love,	Mr. Egan.
Mr. Sutherland,	
Mr. Stewart,	
Mr. Cunneen,	
Mr. R. Forster,	
Mr. Morrice,	
Mr. Eckford,	
Mr. Flett,	

Noes, 27.

Mr. Martin,	Mr. Holt,
Mr. W. Forster,	Mr. Raper,
Mr. Eagar,	Mr. Hart,
Mr. Faucett,	Mr. Piddington,
Mr. Macpherson,	Mr. Gordon,
Mr. Holroyd,	Mr. Lackey,
Mr. Burns,	Mr. Rusden,
Mr. Lord,	Mr. Macleay,
Mr. Morris,	Mr. Wilson,
Mr. Dalgleish,	Mr. Burdekin.
Mr. Leary,	<i>Tellers.</i>
Mr. Redman,	Mr. Buchanan,
Mr. Hannell,	Mr. Bell.
Mr. Allen,	
Mr. Terry,	

Debate continued.

Progress reported—to sit again to-morrow.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 15.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

THURSDAY, 31 DECEMBER, A.M., 1863.

No. 1.

WAYS AND MEANS—TREASURY BILLS.

Resolutions submitted:—

- (1.) Resolved, That towards making good the Supply granted to Her Majesty, it is expedient to authorize any number of Treasury Bills to be made out at the Colonial Treasury, for any sum or sums of money not exceeding in the whole the sum of £400,000, for the service of the years 1863 "and 1864."
- (2.) Resolved, That the principal sum or sums of money to be contained in such Treasury Bills shall be chargeable upon and paid out of, the Consolidated Revenue of the Colony; and that the interest on such principal sum or sums of money, which shall not exceed the rate of four-pence per centum per diem, shall be chargeable upon, and paid half-yearly out of, the Consolidated Revenues of the Colony and the growing produce thereof.
- (3.) Resolved, That all sums of money raised by such Treasury Bills shall be paid to the credit and form part of, the Consolidated Revenues of the Colony.
- (4.) Resolved, That after twenty-four calendar months from their respective dates, such Treasury Bills, or so many of them as may from time to time remain undischarged and uncanceled, shall be taken and pass and be current, for the principal sum and interest they respectively contain and represent, in all payments whatsoever required to be made to the credit of the Consolidated Revenues of the Colony.

Question proposed,—That the words and figures "and 1864" be omitted from the last line of Resolution No. 1. (*Mr. Burdekin.*)

Motion made and Question put,—That the Chairman leave the Chair. (*Mr. Robertson.*)

Committee divided.

Ayes, 5.

Mr. Cowper,
Mr. Robertson,
Mr. C. Cowper, junr.,

Tellers.

Mr. Garrett,
Mr. Sutherland.

Noes, 27.

Mr. Martin,	Mr. Morrice,
Mr. Redman,	Mr. Dangar,
Mr. W. Forster,	Mr. Piddington,
Mr. Eagar,	Mr. Lackey,
Mr. Holroyd,	Mr. Bell,
Mr. Wilson,	Mr. Raper,
Dr. Lang,	Mr. Egan,
Mr. Leary,	Mr. Buchanan,
Mr. Morris,	Mr. Rusden,
Mr. Terry,	Mr. Driver,
Mr. Caldwell,	<i>Tellers.</i>
Mr. Burdekin,	Mr. Dalglish,
Mr. Haworth,	Mr. Hart.
Mr. Flett,	
Mr. Sadleir,	

Debate continued.

No. 2.

Question proposed, That the words and figures proposed to be omitted stand part of the Resolution.

Committee divided.

Ayes, 20.

Mr. Martin,	Mr. Morris,
Mr. W. Forster,	Mr. Macleay,
Mr. Eagar,	Mr. Lackey,
Mr. Wilson,	Mr. Rusden,
Mr. Macpherson,	Mr. Holroyd,
Mr. Dalglish,	Mr. Buchanan,
Mr. Haworth,	Mr. Piddington,
Mr. Allen,	<i>Tellers.</i>
Mr. Terry,	Mr. Raper,
Mr. Leary,	Mr. Redman.
Mr. Gordon,	

Noes, 18.

Mr. Robertson,	Mr. Morrice,
Mr. Cowper,	Mr. C. Cowper, junr.,
Mr. Driver,	Mr. Sadleir,
Mr. Hart,	Mr. Sutherland,
Mr. Alexander,	Mr. Flett,
Dr. Lang,	<i>Tellers.</i>
Mr. Cunneen,	Mr. Burdekin,
Mr. Garrett,	Mr. Tighe.
Mr. Caldwell,	
Mr. Love,	
Mr. Dangar,	

Original Question stated.

No. 3.

Motion made and Question put, That the Chairman do now report progress, and ask leave to sit again on Tuesday next. (*Mr. Garrett.*)

Committee divided.

Ayes, 17.

Mr. Robertson,	Mr. Love,
Mr. Cowper,	Mr. Dangar,
Mr. C. Cowper, junr.,	Mr. Caldwell,
Dr. Lang,	Mr. Sutherland,
Mr. Alexander,	<i>Tellers.</i>
Mr. Cunneen,	Mr. Tighe,
Mr. Driver,	Mr. Burdekin.
Mr. Morrice,	
Mr. Flett,	
Mr. Sadleir,	
Mr. Garrett,	

Noes, 20.

Mr. Martin,	Mr. Lackey,
Mr. W. Forster,	Mr. Piddington,
Mr. Wilson,	Mr. Haworth,
Mr. Holroyd,	Mr. Allen,
Mr. Raper,	Mr. Eagar,
Mr. Morris,	Mr. Buchanan,
Mr. Redman,	Mr. Dalglish,
Mr. Macleay,	<i>Tellers.</i>
Mr. Rusden,	Mr. Leary,
Mr. Gordon,	Mr. Macpherson.
Mr. Terry,	

Debate continued.

And the Resolutions having been (*with the concurrence of the Committee*) amended, by omitting the words and figures "and 1864" from the last line of Resolution No. 1, and by inserting in lieu thereof the words "and previous years";—*Progress reported, also Resolutions as amended;—to sit again on Tuesday next.*

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 16.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 6 JANUARY, 1864.

No. 1.

WAYS AND MEANS—TARIFF SUBMITTED.

Resolution No. 1 :—

That towards raising the Supply granted to Her Majesty, there shall be charged, in lieu of the Duties on Spirits, including all such Spirits now in Bond, imposed by the Act 19 Victoria, No. 14, the Import Duties following, "namely"—

On Spirits or Strong Waters of all kinds not being sweetened or mixed (so that the degree of strength cannot be ascertained by the Hydrometer) of the strength of proof and in proportion for any greater or less strength—the gallon 0 10 0

(Read.)

Amendment proposed,—That all the words after "namely" be omitted, with a view to insert the following, viz. :—"On Rum not distilled within the Colony, the proof gallon 8s." (Mr. Leary.)

Further Amendment proposed,—That the words "and Whisky" be inserted in proposed Amendment after the word "Rum." (Mr. Lucas.)

Committee divided.

Ayes, 18.

- Mr. Love,
- Mr. Cowper,
- Mr. R. Forster,
- Mr. Egan,
- Mr. Stewart,
- Mr. Emanuel,
- Mr. Alexander,
- Mr. Sadleir,
- Mr. Tighe,
- Mr. Garrett,
- Mr. Flett,
- Mr. Dangar,
- 460—A

- Dr. Lang,
- Mr. Cunneen,
- Mr. Morrice,
- Mr. C. Cowper, junr.
- Tellers.
- Mr. Hart,
- Mr. Lucas.

Noes, 22.

- Mr. Martin,
- Mr. W. Forster,
- Mr. Wilson,
- Mr. Eagar,
- Mr. Holroyd,
- Mr. Redman,
- Mr. Morris,
- Mr. Burdekin,
- Mr. Macpherson,
- Mr. Leary,
- Mr. Terry,
- Mr. Macleay,
- Mr. Bell,
- Mr. Driver,
- Mr. Sutherland,
- Mr. Lackey,
- Mr. Piddington,
- Mr. Haworth,
- Mr. Rusden,
- Mr. Buchanan.
- Tellers.
- Mr. Dalgleish,
- Mr. Gordon.

No. 2.

- No. 2. Further Amendment proposed,—That the words “seven shillings” be inserted in proposed Amendment after the word “gallon.” (*Mr. Lucas.*)
Committee divided.

Ayes, 16.

Mr. R. Forster,	<i>Tellers.</i>
Mr. C. Cowper, junr.,	
Mr. Alexander,	Mr. Burdekin,
Mr. Cunneen,	Mr. Lucas.
Mr. Egan,	
Mr. Stewart,	
Mr. Garrett,	
Mr. Flett,	
Mr. Dangar,	
Mr. Sadleir,	
Mr. Cowper,	
Dr. Lang,	
Mr. Morrice,	
Mr. Tighe.	

Noes, 26.

Mr. Martin,	Mr. Sutherland,
Mr. W. Forster,	Mr. Samuel,
Mr. Wilson,	Mr. Lackey,
Mr. Eagar,	Mr. Allen,
Mr. Holroyd,	Mr. Piddington,
Mr. Redman,	Mr. Buchanan,
Mr. Love,	Mr. Macleay,
Mr. Morris,	Mr. Haworth,
Mr. Bell,	Mr. Gordon,
Mr. Hart,	Mr. Rusden.
Mr. Leary,	<i>Tellers.</i>
Mr. Emanuel,	
Mr. Terry,	Mr. Macpherson,
Mr. Driver.	Mr. Dalglish.

- No. 3. Question proposed,—That words proposed to be omitted stand part of Resolution—
put and *negatived.*

Question then,—That words proposed to be inserted in Resolution No. 1, be so inserted.
Committee divided.

Ayes, 28.

Mr. Martin,	Mr. Driver,
Mr. W. Forster,	Mr. Samuel,
Mr. Wilson,	Mr. Allen,
Mr. Eagar,	Mr. Lackey,
Mr. Macpherson,	Mr. Dalglish,
Mr. Holroyd,	Mr. Haworth,
Mr. Morris,	Mr. Rusden,
Mr. Hart,	Mr. Gordon,
Mr. Piddington,	Mr. Redman,
Mr. Buchanan,	Mr. Macleay.
Mr. Bell,	<i>Tellers.</i>
Mr. Sutherland,	
Mr. Terry,	Mr. Love,
Mr. Flett,	Mr. Leary.
Mr. Cunneen,	
Mr. Emanuel,	

Noes, 14.

Mr. Lucas,
Mr. Cowper,
Mr. C. Cowper, junr.,
Mr. Garrett,
Mr. R. Forster,
Mr. Sadleir,
Mr. Alexander,
Dr. Lang,
Mr. Dangar,
Mr. Morrice,
Mr. Tighe,
Mr. Stewart.

Tellers.

Mr. Burdekin,
Mr. Egan.

- No. 4. Question proposed,—That the following words be added to Resolution No. 1 as amended:—

“On Rum distilled within the Colony, when made and dis-
“ tilled from Sugar which shall have paid Customs
“ Duties—the *gallon* 0 7 5
“ On Rum distilled within the Colony, when made or distilled
“ wholly, or in any proportion exceeding ten per cent. of
“ the whole, from materials which are not subject to any
“ duty of Customs—the ‘gallon’ 0 8 0”
(*Mr. Eagar.*)

Amendment proposed,—That “six shillings” be inserted after “gallon” in first
paragraph. (*Mr. Lucas.*)

Committee divided.

Ayes, 17.

Mr. Robertson,	Mr. C. Cowper, junr.,
Mr. Terry,	Mr. Redman.
Mr. Morris,	<i>Tellers.</i>
Mr. Driver,	
Mr. Cowper,	Mr. R. Forster,
Mr. Sutherland,	Mr. Lucas.
Mr. Egan,	
Mr. Sadleir,	
Mr. Morrice,	
Mr. Stewart,	
Mr. Cunneen,	
Mr. Tighe,	
Mr. Garrett,	

Noes, 24.

Mr. Martin,	Mr. Samuel,
Mr. Eagar,	Mr. Lackey,
Mr. Wilson,	Mr. Piddington,
Mr. Dangar,	Mr. Gordon,
Mr. Holroyd,	Mr. Haworth,
Mr. Alexander,	Mr. Macleay,
Mr. Love,	Mr. Rusden,
Mr. Hart,	Mr. W. Forster,
Mr. Bell,	Mr. Buchanan.
Mr. Macpherson,	<i>Tellers.</i>
Mr. Shepherd,	
Mr. Emanuel,	Mr. Burdekin,
Mr. Leary,	Mr. Dalglish.

- No. 5. Further Amendment proposed,—That “six shillings and sixpence” be inserted
after “gallon” in first paragraph. (*Mr. Lucas.*)

Committee divided.

Ayes, 12.

Mr. Lucas,
Mr. Morris,
Mr. Redman,
Mr. Stewart,
Mr. Terry,
Mr. C. Cowper, junr.,
Mr. Garrett,
Mr. Morrice,
Mr. Sutherland,
Mr. Cunneen.
<i>Tellers.</i>
Mr. Driver,
Mr. Egan.

Noes, 30.

Mr. Martin,	Mr. Samuel,
Mr. W. Forster,	Mr. Raper,
Mr. Eagar,	Mr. Allen,
Mr. Wilson,	Mr. Love,
Mr. Arnold,	Mr. Haworth,
Mr. Alexander,	Mr. Macleay,
Mr. Piddington,	Mr. Gordon,
Mr. Bell,	Mr. Macpherson,
Mr. Hannell,	Mr. Buchanan,
Mr. Shepherd,	Mr. Rusden,
Mr. Dangar,	Mr. Lackey,
Mr. Emanuel,	Mr. Holroyd.
Mr. Caldwell,	<i>Tellers.</i>
Mr. Sadleir,	
Mr. J. T. Ryan,	Mr. Dalglish,
Mr. Leary,	Mr. R. Forster.

No. 6.

No. 6. Further Amendment proposed,—That “ six shillings ” be inserted after “ gallon ” in second paragraph. (*Mr. Lucas.*)
Committee divided.

<p>Ayes, 13.</p> <p>Mr. Raper, Mr. Morris, Mr. Lucas, Mr. Egan, Mr. Terry, Mr. Cunneen, Mr. Redman, Mr. Stewart, Mr. C. Cowper, junr., Mr. Garrett, Mr. Sutherland.</p> <p><i>Tellers.</i></p> <p>Mr. R. Forster, Mr. Driver.</p>	<p>Noes, 31.</p> <p>Mr. Holroyd, Mr. Martin, Mr. W. Forster, Mr. Wilson, Mr. Eagar, Mr. Dalgleish, Mr. Arnold, Mr. Alexander, Mr. Robertson, Dr. Lang, Mr. Love, Mr. Emanuel, Mr. Shepherd, Mr. J. T. Ryan, Mr. Dangar, Mr. Sadleir, Mr. Tighe,</p> <p>Mr. Caldwell, Mr. Bell, Mr. Samuel, Mr. Allen, Mr. Morrice, Mr. Hannell, Mr. Piddington, Mr. Lackey, Mr. Buchanan, Mr. Macleay, Mr. Gordon, Mr. Haworth.</p> <p><i>Tellers.</i></p> <p>Mr. Macpherson, Mr. Rusden.</p>
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No. 7. Further Amendment proposed,—That the following words be added to Resolution No. 1 as amended :—
“ On Colonial Spirits distilled from Malt, Grain, Roots, Grapes,
“ or Wine, the produce of the Colony—the gallon ... 0 6 0 ”
(*Mr. Lucas.*)
Committee divided.

<p>Ayes, 18.</p> <p>Mr. Driver, Mr. Morris, Mr. Terry, Mr. Redman, Mr. J. T. Ryan, Mr. R. Forster, Mr. Garrett, Mr. Stewart, Mr. Flett, Mr. Sadleir, Mr. Caldwell, Mr. Dangar, Dr. Lang,</p> <p>Mr. C. Cowper, junr., Mr. Morrice, Mr. Sutherland.</p> <p><i>Tellers.</i></p> <p>Mr. Egan, Mr. Lucas.</p>	<p>Noes, 24.</p> <p>Mr. Martin, Mr. Wilson, Mr. Holroyd, Mr. W. Forster, Mr. Eagar, Mr. Macpherson, Mr. Bell, Mr. Love, Mr. Alexander, Mr. Emanuel, Mr. Leary, Mr. Hannell, Mr. Dalgleish,</p> <p>Mr. Tighe, Mr. Robertson, Mr. Shepherd, Mr. Piddington, Mr. Gordon, Mr. Macleay, Mr. Rusden, Mr. Samuel, Mr. Lackey,</p> <p><i>Tellers.</i></p> <p>Mr. Buchanan, Mr. Hart.</p>
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No. 8. Further amendment proposed,—That the following words be added to Resolution No. 1 as amended :—
“ On all other Spirits—the gallon 0 10 0 ”
(*Mr. Eagar.*)

Amendment proposed,—That after the word “ gallon ” in the proposed Amendment the following words be inserted “ (excepting Whisky, which shall be eight shillings and three-pence per gallon.) ” (*Mr. Garrett.*)
Committee divided.

<p>Ayes, 21.</p> <p>Mr. Love, Mr. Caldwell, Mr. Alexander, Mr. R. Forster, Mr. J. T. Ryan, Mr. Stewart, Mr. Cunneen, Mr. Emanuel, Mr. Flett, Mr. Dangar, Mr. Robertson, Mr. C. Cowper, junr., Mr. Sadleir,</p> <p>Dr. Lang, Mr. Morrice, Mr. Hannell, Mr. Tighe, Mr. Garrett, Mr. Driver.</p> <p><i>Tellers.</i></p> <p>Mr. Egan, Mr. Lucas.</p>	<p>Noes, 23.</p> <p>Mr. Martin, Mr. W. Forster, Mr. Wilson, Mr. Eagar, Mr. Redman, Mr. Holroyd, Mr. Leary, Mr. Macpherson, Mr. Terry, Mr. Allen, Mr. Sutherland, Mr. Shepherd, Mr. Morris,</p> <p>Mr. Dalgleish, Mr. Piddington, Mr. Gordon, Mr. Buchanan, Mr. Rusden, Mr. Macleay, Mr. Lackey, Mr. Samuel.</p> <p><i>Tellers.</i></p> <p>Mr. Hart, Mr. Bell.</p>
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No. 9. Motion made and Question put,—That words proposed to be added to Resolution No. 1, be so added. (*Mr. Eagar.*)
Committee divided.

<p>Ayes, 28.</p> <p>Mr. Martin, Mr. W. Forster, Mr. Wilson, Mr. Eagar, Mr. Holroyd, Mr. Bell, Mr. Macpherson, Mr. Hart, Mr. J. T. Ryan, Mr. Leary, Mr. Terry, Mr. Stewart, Mr. Shepherd, Mr. Hannell, Mr. Tighe,</p> <p>Mr. Sutherland, Mr. Morris, Mr. Piddington, Mr. Dalgleish, Mr. Gordon, Mr. Macleay, Mr. Buchanan, Mr. Lackey, Mr. Driver, Mr. Samuel, Mr. Rusden.</p> <p><i>Tellers.</i></p> <p>Mr. Redman, Mr. Allen.</p>	<p>Noes, 9.</p> <p>Mr. Egan, Mr. R. Forster, Mr. Alexander, Mr. Caldwell, Mr. Morrice, Mr. Emanuel, Mr. Sadleir.</p> <p><i>Tellers.</i></p> <p>Mr. Garrett, Mr. Lucas.</p>
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Resolution No. 1, as amended, put and carried.
Progress reported—to sit again.

THURSDAY, 7 JANUARY, 1864.

No. 10

WAYS AND MEANS—TARIFF SUBMITTED.

Resolution No. 2 proposed :—

That towards raising the Supply granted to Her Majesty, there shall be charged in lieu of the Duties on Wines imposed by the Act 19 Victoria, No. 14, the Import Duties following, namely :—

On Champagne and Sparkling Wines of all kinds, per dozen							
reputed quarts ... ..	...	...	...	...	...	0	10 0
On ditto ditto ditto pints						0	5 0
On Hock, Sauterne, Burgundy, Claret, and Moselle, per							
dozen reputed quarts ... ..	...	...	...	...	...	0	10 0
On ditto ditto ditto pints						0	5 0
On any of the foregoing Wines in Wood, per gallon ...						0	5 0
On all other Wines in Wood and Bottle, not exceeding in							
strength 25 per centum of Alcohol, per liquid gallon...						0	3 0

(Read.)

Amendment proposed,—That the words “six shillings” be inserted after “quarts” in the first paragraph. (*Mr. Samuel.*)

Committee divided.

Ayes, 4.

Mr. Alexander,
Mr. Emanuel.*Tellers.*Mr. Samuel,
Mr. Morris.

Noes, 29.

Mr. Martin,	Mr. Dalgleish,
Mr. Eagar,	Dr. Lang,
Mr. W. Forster,	Mr. Gordon,
Mr. Faucett,	Mr. Haworth,
Mr. Wilson,	Mr. Macleay,
Mr. Smart,	Mr. Macpherson,
Mr. Holroyd,	Mr. Weekes,
Mr. Garrett,	Mr. Rusden,
Mr. Love,	Mr. Buchanan,
Mr. C. Cowper, junr.,	Mr. Cowper,
Mr. Sadleir,	Mr. Hannell,
Mr. Stewart,	Mr. Caldwell,
Mr. Terry,	Mr. Tighe,
Mr. Sutherland,	Mr. Cunneen,
Mr. Lucas,	Mr. Piddington,
Mr. Dangar,	Mr. R. Forster.
Mr. Driver,	<i>Tellers.</i>
Mr. Leary,	
Mr. Lackey,	Mr. Hart,
Mr. Morrice,	Mr. Redman.
Mr. Allen,	

Resolution No. 2 put and carried.

No. 11.

Resolution No. 3 proposed :—

That towards raising the Supply granted to Her Majesty, there shall be charged the Import Duty following, namely :—

On Dried Fruits, “Nuts, and Almonds” (Cocoa Nuts excepted),							
per cwt. ... ..	...	...	...	...	...	0	10 0

(Read.)

Amendment proposed,—That words “Nuts and Almonds” be omitted from Resolution. (*Mr. C. Cowper, Junr.*)

Question put,—That words proposed to be omitted stand part of the Resolution.

Committee divided.

Ayes, 29.

Mr. Martin,	Mr. Tighe,
Mr. W. Forster,	Mr. Hart,
Mr. Haworth,	Mr. Macpherson,
Mr. Eagar,	Mr. Piddington,
Mr. Faucett,	Mr. Lackey,
Mr. Wilson,	Mr. Macleay,
Mr. Love,	Mr. Buchanan,
Mr. Morris,	Mr. Holroyd,
Mr. Dalgleish,	Mr. Bell,
Mr. Hannell,	Mr. Rusden,
Mr. R. Forster,	Mr. Gordon.
Mr. Terry,	<i>Tellers.</i>
Mr. Sutherland,	
Mr. Flett,	Mr. Allen,
Mr. Leary,	Mr. Driver.
Mr. Cunneen,	

Noes, 12.

Mr. Burdekin,
Mr. C. Cowper, junr.,
Mr. Garrett,
Mr. Stewart,
Mr. Alexander,
Mr. Caldwell,
Mr. Dangar,
Mr. Sadleir,
Mr. Morrice,
Mr. Cowper.
<i>Tellers.</i>
Mr. Redman,
Mr. Lucas.

No. 12.

No. 12.

Resolution read, and Original Question put.
Committee divided.

Ayes, 30.

Mr. Martin,	Mr. Cunneen,
Mr. W. Forster,	Mr. Tighe,
Mr. Haworth,	Mr. Hart,
Mr. Eagar,	Mr. Macpherson,
Mr. Faucett,	Mr. Piddington,
Mr. Wilson,	Mr. Gordon,
Mr. Love,	Mr. Lackey,
Mr. Morris,	Mr. Macleay,
Mr. Dalgleish,	Mr. Buchanan,
Mr. Hannell,	Mr. Holroyd,
Mr. Terry,	Mr. Bell,
Mr. Morrice,	Mr. Rusden.
Mr. Alexander,	<i>Tellers.</i>
Mr. Sutherland,	
Mr. Flett,	Mr. Driver,
Mr. Leary,	Mr. Allen.

Noes, 11.

Mr. C. Cowper, junr.,
Mr. Lucas,
Mr. Stewart,
Mr. R. Forster,
Mr. Caldwell,
Mr. Dangar,
Mr. Cowper,
Mr. Sadleir,
Mr. Garrett.
<i>Tellers.</i>
Mr. Redman,
Mr. Burdekin.

No. 13.

Resolution No. 4 proposed:—

That towards raising the Supply granted to Her Majesty, there shall be charged the Import Duty following, namely:—

On Oil of all kinds (Whale, Cocconut, and Palm Oil excepted)
and Turpentine—per gallon 0 0 3
(*Read.*)

Question put.

Committee divided.

Ayes, 24.

Mr. Martin,	Mr. Morrice,
Mr. W. Forster,	Mr. Cunneen,
Mr. Eagar,	Mr. Dalgleish,
Mr. Wilson,	Mr. Hart,
Mr. Faucett,	Mr. Haworth,
Mr. Holroyd,	Mr. Gordon,
Mr. Morris,	Mr. Buchanan,
Mr. R. Forster,	Mr. Lackey,
Mr. Macpherson,	Mr. Macleay.
Mr. Allen,	<i>Tellers.</i>
Mr. Piddington,	
Mr. Love,	Mr. Bell,
Mr. Tighe,	Mr. Leary.

Progress reported—to sit again.

Noes, 16.

Mr. Garrett,	Mr. Sadleir.
Mr. Cowper,	<i>Tellers.</i>
Mr. Egan,	
Mr. Alexander,	Mr. Redman,
Mr. Caldwell,	Mr. Burdekin.
Mr. Stewart,	
Mr. Terry,	
Mr. Dangar,	
Mr. Sutherland,	
Mr. Driver,	
Mr. Lucas,	
Mr. C. Cowper, junr.,	
Mr. Hannell,	

FRIDAY, 8 JANUARY, 1864.

No. 14.

Resolution No. 5 proposed:—

That towards raising the Supply granted to Her Majesty, there shall be charged the Import Duty following, namely:—

On Candles (except Candles made entirely of Tallow in an
unprepared state)—per lb. 0 0 1
(*Read.*)

Question put.

Committee divided.

Ayes, 25.

Mr. Holroyd,	Mr. Cunneen,
Mr. Martin,	Mr. Lackey,
Mr. Wilson,	Mr. Piddington,
Mr. Eagar,	Mr. Raper,
Mr. Redman,	Mr. Macleay,
Mr. Faucett,	Mr. Macpherson,
Mr. Buchanan,	Mr. Rusden,
Mr. Dalgleish,	Mr. Haworth,
Mr. Allen,	Mr. W. Forster.
Mr. Leary,	<i>Tellers.</i>
Mr. Stewart,	
Mr. Tighe,	Mr. Bell,
Mr. Terry,	Mr. Morris.
Mr. Driver,	

Noes, 8.

Mr. Morrice,
Mr. Dangar,
Mr. Sutherland,
Mr. Robertson,
Mr. Sadleir,
Mr. Lucas.
<i>Tellers.</i>
Mr. Caldwell,
Mr. Garrett.

No. 15.

Resolution No. 6 proposed:—

That towards raising the Supply granted to Her Majesty, there shall be charged the Import Duty following, namely:—

On Confectionery and Preserves—per lb. 0 0 2
(*Read.*)

Question put.

460—B

Committee

Committee divided.

Ayes, 27.

Mr. Holroyd,	Mr. Bell,
Mr. Martin,	Mr. Lackey,
Mr. Wilson,	Mr. Piddington,
Mr. Eagar,	Mr. Raper,
Mr. Redman,	Mr. Macleay,
Mr. Faucett,	Mr. Macpherson,
Mr. Leary,	Mr. Allen,
Mr. Buchanan,	Mr. Rusden,
Mr. Terry,	Mr. W. Forster,
Mr. Lucas,	Mr. Morrice.
Mr. Tighe,	<i>Tellers.</i>
Mr. Stewart,	
Mr. Driver,	Mr. Dalgleish,
Mr. Sutherland,	Mr. Morris.
Mr. Hart,	

Noes, 4.

Mr. Dangar,
Mr. Robertson.

Tellers.

Mr. Garrett,
Mr. Caldwell.

No. 16.

Resolution No. 7 proposed:—

That towards raising the Supply granted to Her Majesty, there shall be charged the Import Duty following, namely:—

On Rice, per "ton" 2 0 0

(*Read.*)

Amendment proposed,—That the words "five shillings" be inserted in the proposed Resolution after the word "ton." (*Mr. Lucas.*)

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

Committee divided.

Ayes, 10.

Mr. Rusden,	<i>Tellers.</i>
Mr. Garrett,	
Mr. Lucas,	Mr. Redman,
Mr. Egan,	Mr. Driver.
Mr. Sadleir,	
Mr. Dalgleish,	
Mr. Caldwell,	
Mr. Dangar,	

Noes, 15.

Mr. Martin,	Mr. Cunneen,
Mr. Eagar,	Mr. Leary,
Mr. W. Forster,	Mr. Macleay.
Mr. Wilson,	Mr. Piddington.
Mr. Faucett,	<i>Tellers.</i>
Mr. Holroyd,	
Mr. Morris,	Mr. Bell,
Mr. Love,	Mr. Macpherson.
Mr. Allen,	

Progress reported—to sit again.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 17.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 13 JANUARY, 1864.

No. 1.

WAYS AND MEANS—TARIFF SUBMITTED.

Resolution No. 7 :—

That towards raising the Supply granted to Her Majesty, there shall be charged the Import Duty following, namely :—

On Rice, per "ton" 2 0 0

*(Read.)*Amendment proposed,—That the words "five shillings and sixpence" be inserted in the proposed Resolution after the word "ton." *(Mr. Lucas.)*

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

Committee divided.

Ayes, 8.

Mr. Terry,
Mr. Burdekin,
Mr. Dangar,
Mr. Garrett,
Mr. Weekes,
Mr. Sadleir.*Tellers.*Mr. Lucas,
Mr. Driver.

Noes, 27.

Mr. Martin,
Mr. Wilson,
Mr. Eagar,
Mr. W. Forster,
Mr. Faucett,
Mr. Robertson,
Mr. Piddington,
Mr. Hart,
Mr. Alexander,
Mr. Emanuel,
Mr. Morris,
Mr. J. T. Ryan,
Mr. Tighe,
Mr. Dalglish,
Mr. Morrice,
Mr. Stewart,
Mr. Gordon,
Mr. Raper,
Mr. Macleay,
Mr. Lackey,
Mr. Haworth,
Mr. Samuel,
Mr. Rusden,
Mr. Buchanan,
Mr. Smart.*Tellers.*Mr. Leary,
Mr. Bell.

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No. 2.

No. 2.

Further Amendment proposed,—That the words “six shillings” be inserted in the proposed Resolution after the word “ton.” (*Mr. Driver.*)

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

Ayes, 8.

Mr. Driver,
Mr. Lucas,
Mr. Garrett,
Mr. Sadleir,
Mr. Flett,
Mr. Dangar.

Tellers.

Mr. Redman,
Mr. Terry.

Noes, 27.

Mr. Martin,	Mr. Stewart,
Mr. W. Forster,	Mr. Raper,
Mr. Eagar,	Mr. Macleay,
Mr. Holroyd,	Mr. Lackey,
Mr. Wilson,	Mr. Haworth,
Mr. Bell,	Mr. Weekes,
Mr. Gordon,	Mr. Samuel,
Mr. Leary,	Mr. Smart,
Mr. Emanuel,	Mr. Robertson,
Mr. Alexander,	Mr. Buchanan.
Mr. Tighe,	<i>Tellers.</i>
Mr. Morrice,	Mr. Hart,
Mr. Dalgleish,	Mr. Rusden.
Mr. J. T. Ryan,	
Mr. Morris,	

No. 3.

Further Amendment proposed,—That the words “eight shillings” be inserted in the proposed Resolution after the word “ton.” (*Mr. Sadleir.*)

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

Ayes, 5.

Mr. Garrett,
Mr. Sadleir,
Mr. Dangar.

Tellers.

Mr. Driver,
Mr. Lucas.

Noes, 25.

Mr. Martin,	Mr. Morris,
Mr. W. Forster,	Mr. Dalgleish,
Mr. Eagar,	Mr. Stewart,
Mr. Wilson,	Mr. Macleay,
Mr. Robertson,	Mr. Raper,
Mr. Bell,	Mr. Lackey,
Mr. Holroyd,	Mr. Haworth,
Mr. Alexander,	Mr. Smart,
Mr. Tighe,	Mr. Buchanan.
Mr. Hannell,	<i>Tellers.</i>
Mr. Emanuel,	Mr. Hart,
Mr. Cunneen,	Mr. Gordon.
Mr. J. T. Ryan,	
Mr. Morrice,	

No. 4.

Further Amendment proposed,—That the words “one pound” be inserted in the proposed Resolution, after the word “ton.” (*Mr. Driver.*)

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

Ayes, 8.

Mr. Driver,
Mr. Garrett,
Mr. R. Forster,
Mr. Caldwell,
Mr. Sadleir,
Mr. Dangar.

Tellers.

Mr. Egan,
Mr. Lucas.

Noes, 30.

Mr. Martin,	Mr. Allen,
Mr. Wilson,	Mr. Morris,
Mr. W. Forster,	Mr. Raper,
Mr. Eagar,	Mr. Morrice,
Mr. Holroyd,	Dr. Lang,
Mr. Love,	Mr. Haworth,
Mr. Bell,	Mr. Gordon,
Mr. Robertson,	Mr. Macleay,
Mr. Piddington,	Mr. Rusden,
Mr. J. T. Ryan,	Mr. Buchanan,
Mr. Emanuel,	Mr. Lackey,
Mr. Hart,	Mr. Dalgleish.
Mr. Macpherson,	<i>Tellers.</i>
Mr. Stewart,	Mr. Cunneen,
Mr. Tighe,	Mr. Leary.
Mr. Hannell,	

Progress reported—to sit again.

THURSDAY, 14 JANUARY, 1864.

No. 5.

Resolution No. 7:—

That towards raising the Supply granted to Her Majesty, there shall be charged the Import Duty following, namely:—

On Rice, per “ton” 2 0 0
(*Read.*)

Amendment proposed,—That the words “twenty shillings and sixpence” be inserted in the proposed Resolution, after the word “ton.” (*Mr. Egan.*)

Motion made and Question put,—That the Chairman leave the chair, report progress, and ask leave to sit again at a later hour of the day. (*Mr. Hart.*)

Committee

Committee divided.

Ayes, 8.

Mr. Egan,
Mr. Tighe,
Mr. Sadleir,
Mr. Dangar,
Mr. Garrett,
Mr. Caldwell.

Tellers.

Mr. Hart,
Mr. Lucas.

Noes, 25.

Mr. Martin,	Mr. Gordon,
Mr. Eagar,	Mr. Lackey,
Mr. Faucett,	Mr. Love,
Mr. Wilson,	Mr. Redman,
Mr. W. Forster,	Mr. Allen,
Mr. Rusden,	Mr. Macleay,
Mr. Burdekin,	Mr. Buchanan,
Mr. Lord,	Mr. Samuel,
Mr. Piddington,	Mr. Holroyd.
Mr. Raper,	<i>Tellers.</i>
Mr. Morrice,	Mr. Dalgleish,
Mr. J. T. Ryan,	Mr. Bell.
Mr. Hannell,	
Mr. Leary,	

Amendment again proposed.
Progress reported—to sit again.

FRIDAY, 15 JANUARY, 1864.

No. 6.

Resolution No. 7 :—

That towards raising the Supply granted to Her Majesty, there shall be charged the Import Duty following, namely :—

On Rice, per "ton" 2 0 0
(*Read.*)

Amendment proposed,—That the words "twenty shillings and sixpence" be inserted in the proposed Resolution after the word "ton." (*Mr. Egan.*)

Motion made and Question put,—That the Chairman leave the Chair, report progress, and ask leave to sit again at a later hour of the day. (*Mr. Egan.*)

Committee divided.

Ayes, 15.

Mr. Cowper,
Mr. Robertson,
Mr. Caldwell,
Mr. C. Cowper, junr.,
Mr. Egan,
Mr. Sadleir,
Mr. Morrice,
Mr. Dangar,
Mr. Hannell,
Mr. Garrett,

Dr. Lang,
Mr. Darvall,
Mr. Tighe.
Tellers.
Mr. Driver,
Mr. Lucas.

Noes, 18.

Mr. Martin,	Mr. Lackey,
Mr. W. Forster,	Mr. Buchanan,
Mr. Eagar,	Mr. Gordon,
Mr. Wilson,	Mr. Raper,
Mr. Holroyd,	Mr. Macleay,
Mr. Terry,	Mr. Piddington.
Mr. Stewart,	<i>Tellers.</i>
Mr. Flett,	Mr. Bell,
Mr. Leary,	Mr. Dalgleish.
Mr. Morris,	

Amendment,—That words proposed to be inserted in Resolution, be so inserted,—*put and negatived.*

No. 7.

Resolution No. 7 then put.

Committee divided.

Ayes, 19.

Mr. Martin,	Mr. Piddington,
Mr. W. Forster,	Mr. Buchanan,
Mr. Wilson,	Mr. Raper,
Mr. Eagar,	Mr. Rusden,
Mr. Holroyd,	Mr. Gordon,
Mr. Morris,	Mr. Macleay.
Mr. Hart,	<i>Tellers.</i>
Mr. Love,	Mr. Leary,
Mr. Robertson,	Mr. Bell.
Mr. Cunneen,	
Mr. Lackey,	

Noes, 13.

Mr. Egan,	<i>Tellers.</i>
Mr. Tighe,	Mr. Burdekin,
Mr. Terry,	Mr. Lucas.
Mr. Stewart,	
Mr. Flett,	
Mr. Dangar,	
Mr. Garrett,	
Mr. Caldwell,	
Mr. Sadleir,	
Mr. Morrice,	
Mr. Redman,	

Progress reported—to sit again.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 18.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 19 JANUARY, 1864.

No. 1.

WAYS AND MEANS—TARIFF SUBMITTED.

Resolution No. 8 proposed :—

That towards raising the Supply granted to Her Majesty, there shall be charged the Import Duty following, namely :—

On Hops, per lb. 0 0 3
(Mr. Eagar.)

Question put.
Committee divided.

Ayes, 25.

Mr. Martin, Mr. Egan,
Mr. W. Forster, Mr. Flett,
Mr. Wilson, Mr. Lucas,
Mr. Eagar, Mr. Raper,
Mr. Holroyd, Mr. Buchanan,
Mr. Faucett, Mr. Gordon,
Mr. Piddington, Mr. Macleay,
Mr. Leary, Mr. Rusden,
Mr. Dalgleish, Mr. Terry.
Mr. Allen, Tellers.
Mr. Shepherd, Mr. Samuel,
Mr. Cunneen, Mr. Morris.
Mr. Tighe,
Mr. Dangar,

Noes, 5.

Mr. Darvall,
Mr. Sadleir,
Mr. Weekes.
Tellers.
Mr. Burdekin,
Mr. Garrett.

No. 2.

Resolution No. 10 proposed :—

That towards raising the Supply granted to Her Majesty, there shall be charged, in lieu of the Duties on Cigars imposed by the Act 25 Vic., No. 10, the Import Duty following, namely :—

On Cigars, "per lb."... .. 0 5 0
(Mr. Eagar.)

481—A

Amendment

Amendment proposed and Question put,—That words “three shillings and sixpence” be inserted after the words “per lb.” (*Mr. Burdekin.*)
Committee divided.

Ayes, 12.

Mr. Robertson,
Mr. Hart,
Mr. Dalgleish,
Mr. Samuel,
Mr. Leary,
Mr. Smart,
Dr. Lang,
Mr. Weekes,
Mr. Garrett,
Mr. Dangar.

Tellers.

Mr. Piddington,
Mr. Burdekin.

Noes, 26.

Mr. Martin,	Mr. Flett,
Mr. Eagar,	Mr. Terry,
Mr. W. Forster,	Mr. Shepherd,
Mr. Wilson,	Mr. Lackey,
Mr. Holroyd,	Mr. Allen,
Mr. Buchanan,	Mr. Raper,
Mr. Redman,	Mr. Gordon,
Mr. Morris,	Mr. Macleay,
Mr. Sutherland,	Mr. Rusden,
Mr. Love,	Mr. Haworth.
Mr. Alexander,	<i>Tellers.</i>
Mr. Tighe,	
Mr. Sadleir,	Mr. Lucas,
Mr. Cunneen,	Mr. Driver.

No. 3.

2nd Amendment proposed and Question put,—That the words “four shillings” be inserted after the words “per lb.” (*Mr. Dalgleish.*)
Committee divided.

Ayes, 11.

Mr. Love,
Mr. Dalgleish,
Mr. Smart,
Dr. Lang,
Mr. Sadleir,
Mr. Alexander,
Mr. Dangar,
Mr. Terry,
Mr. Weekes.

Tellers.

Mr. Hart,
Mr. Piddington.

Noes, 28.

Mr. Martin,	Mr. Driver,
Mr. W. Forster,	Mr. Morris,
Mr. Eagar,	Mr. Shepherd,
Mr. Wilson,	Mr. Allen,
Mr. Faucett,	Mr. Gordon,
Mr. Holroyd,	Mr. Macleay,
Mr. Burdekin,	Mr. Raper,
Mr. Lucas,	Mr. Haworth,
Mr. Sutherland,	Mr. Cunneen,
Mr. Garrett,	Mr. Rusden,
Mr. Robertson,	Mr. Emanuel.
Mr. Samuel,	<i>Tellers.</i>
Mr. Leary,	
Mr. Lackey,	Mr. Tighe,
Mr. Flett,	Mr. Buchanan.

No. 4.

Original Question put.
Committee divided.

Ayes, 25.

Mr. Martin,	Mr. Flett,
Mr. W. Forster,	Mr. Haworth,
Mr. Eagar,	Mr. Macleay,
Mr. Wilson,	Mr. Rusden,
Mr. Holroyd,	Mr. Cunneen,
Mr. Faucett,	Mr. Gordon,
Mr. Driver,	Mr. Raper,
Mr. Burdekin,	Mr. Lackey,
Mr. Allen,	Mr. Terry.
Mr. Tighe,	<i>Tellers.</i>
Mr. Sutherland,	
Mr. Morris,	Mr. Lucas,
Mr. Alexander,	Mr. Buchanan.
Mr. Shepherd,	

Noes, 14.

Mr. Robertson,	<i>Tellers.</i>
Mr. Love,	
Mr. Samuel,	Mr. Hart,
Mr. Emanuel,	Mr. Piddington.
Mr. Leary,	
Mr. Smart,	
Mr. Sadleir,	
Mr. Dalgleish,	
Mr. Dangar,	
Dr. Lang,	
Mr. Weekes,	
Mr. Garrett,	

No. 5.

Resolution No. 11 proposed:—

That towards raising the Supply granted to Her Majesty, there shall be charged, in lieu of the duties on “Coffee and” Chicory imposed by the Act 19 Vic., No. 14, the Import Duties following, namely:—

On Coffee and Chicory, per lb. 0 0 3

(*Mr. Eagar.*)

Amendment proposed,—That the words “Coffee and” be omitted from second line of Resolution. (*Mr. Tighe.*)

Question put,—That words proposed to be omitted stand part of Resolution.
Committee divided.

Ayes, 35.

Mr. Martin,	Mr. Alexander,
Mr. W. Forster,	Mr. Sutherland,
Mr. Eagar,	Mr. Lucas,
Mr. Wilson,	Mr. Gordon,
Mr. Holroyd,	Mr. Cunneen,
Mr. Faucett,	Mr. Terry,
Mr. Dalgleish,	Mr. Lackey,
Mr. Piddington,	Mr. Raper,
Mr. Buchanan,	Mr. Rusden,
Mr. Hart,	Mr. Macleay,
Mr. Allen,	Mr. Haworth,
Mr. Emanuel,	Mr. Burdekin,
Mr. Shepherd,	Mr. Driver,
Mr. Leary,	Mr. Robertson.
Dr. Lang,	<i>Tellers.</i>
Mr. Flett,	
Mr. Dangar,	Mr. Samuel,
Mr. Love,	Mr. Morris.
Mr. Sadleir,	

Noes, 4.

Mr. Garrett,
Mr. Smart.

Tellers.

Mr. Tighe,
Mr. Weekes.

No. 6.

No. 6.

Original Question put.
Committee divided.

Ayes, 32.

Mr. Martin,	Mr. Flett,
Mr. Bell,	Mr. Leary,
Mr. W. Forster,	Dr. Lang,
Mr. Eagar,	Mr. Smart,
Mr. Wilson,	Mr. Gordon,
Mr. Holroyd,	Mr. Cunneen,
Mr. Faucett,	Mr. Terry,
Mr. Piddington,	Mr. Lackey,
Mr. Samuel,	Mr. Raper,
Mr. Allen,	Mr. Rusden,
Mr. Buchanan,	Mr. Macleay,
Mr. Dangar,	Mr. Haworth,
Mr. Hart,	Mr. Morris.
Mr. Alexander,	
Mr. Emanuel,	<i>Tellers.</i>
Mr. Shepherd,	Mr. Burdekin,
Mr. Love,	Mr. Dalgleish.

Noes, 9.

Mr. Lucas,
Mr. Robertson,
Mr. Driver,
Mr. Sutherland,
Mr. Sadleir,
Mr. Stewart,
Mr. Weekes.
<i>Tellers.</i>
Mr. Garrett,
Mr. Tighe.

No. 7.

Resolution No. 12 proposed:—

That towards raising the Supply granted to Her Majesty, there shall be charged the Import Duty following, namely:—

On Carriages either put together or in parts, and constructed so as to run on 4 wheels, and on each portion of the body of any Carriage constructed so as to run on 4 wheels which does not with other portions forming part of the same cargo constitute the entire body—each ... 10 0 0

On Carriages either put together or in parts, and constructed so as to run on 2 wheels, and on each portion of the body of any Carriage constructed so as to run on 2 wheels which does not with other portions forming part of the same cargo constitute the entire body—each ... 5 0 0
(*Mr. Eagar.*)

Amendment proposed and Question put,—That the words “four pounds” be inserted at end of first paragraph. (*Mr. Leary.*)

Committee divided.

Ayes, 11.

Mr. Cowper,
Mr. Alexander,
Mr. Garrett,
Mr. Emanuel,
Mr. Dangar,
Mr. Sadleir,
Mr. Smart,
Mr. Robertson,
Mr. Weekes.
<i>Tellers.</i>
Mr. Egan,
Mr. Leary.

Noes, 29.

Mr. Martin,	Mr. Terry,
Mr. W. Forster,	Mr. Sutherland,
Mr. Wilson,	Mr. Dalgleish,
Mr. Eagar,	Mr. Love,
Mr. Bell,	Mr. Allen,
Mr. Burdekin,	Mr. Piddington,
Mr. Holroyd,	Mr. Gordon,
Mr. Redman,	Mr. Macleay,
Mr. Tighe,	Mr. Raper,
Mr. Shepherd,	Mr. Morris,
Mr. Buchanan,	Mr. Rusden.
Mr. Stewart,	<i>Tellers.</i>
Mr. Caldwell,	Mr. Cunneen,
Mr. Samuel,	Mr. Driver.
Mr. Flett,	
Mr. Lucas,	

No. 8.

Original Question put.
Committee divided.

Ayes, 27.

Mr. Martin,	Mr. Flett,
Mr. W. Forster,	Mr. Allen,
Mr. Eagar,	Mr. Cunneen,
Mr. Wilson,	Mr. Terry,
Mr. Redman,	Mr. Morris,
Mr. Holroyd,	Mr. Raper,
Mr. Bell,	Mr. Macleay,
Mr. Tighe,	Mr. Gordon,
Mr. Piddington,	Mr. Rusden,
Mr. Buchanan,	Mr. Driver.
Mr. Love,	<i>Tellers.</i>
Mr. Stewart,	Mr. Dalgleish,
Mr. Sutherland,	Mr. Lucas.
Mr. Caldwell,	
Mr. Shepherd,	

Noes, 13.

Mr. Robertson,
Mr. Egan,
Mr. Samuel,
Mr. Alexander,
Mr. Cowper,
Mr. Smart,
Mr. Emanuel,
Mr. Leary,
Mr. Sadleir,
Mr. Dangar,
Mr. Weekes.
<i>Tellers.</i>
Mr. Garrett,
Mr. Burdekin.

No. 9.

No. 9.

Resolution No. 13 proposed :—

That towards raising the Supply granted to Her Majesty, there shall be charged the Import Duty following, namely :—

On Furniture, wholly or in part manufactured, in which wood is the sole or chief material—per cubic foot measured outside the package	0 1 6
On Musical Instruments—per cubic foot measured outside the package	0 1 6

(*Mr. Eagar.*)

Question put.

Committee divided.

Ayes, 23.

Mr. Martin,	Mr. Holroyd,
Mr. W. Forster,	Mr. Caldwell,
Mr. Redman,	Mr. Lucas,
Mr. Faucett,	Mr. Morris,
Mr. Eagar,	Mr. Macleay,
Mr. Wilson,	Mr. Piddington,
Mr. Buchanan,	Mr. Bell,
Mr. Raper,	Mr. Haworth.
Mr. Driver,	
Mr. Love,	<i>Tellers.</i>
Mr. Stewart,	Mr. R. Forster,
Mr. Allen,	Mr. Dalgleish.
Mr. Sutherland,	

Progress reported—to sit again.

Noes, 11.

Mr. Robertson,
Mr. Tighe,
Mr. Egan,
Mr. Alexander,
Mr. Cowper,
Mr. Smart,
Mr. Dangar,
Mr. Leary,
Mr. Garrett.
<i>Tellers.</i>
Mr. Hart,
Mr. Burdekin.

WEDNESDAY, 20 JANUARY, 1864.

No. 10.

Resolution No. 14 proposed :—

That towards raising the Supply granted to Her Majesty, there shall be charged the Import Duty following, namely :—

On Boots and Shoes—per cubic foot measured outside the “package” (“0 6 0”)
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(*Mr. Eagar.*)

Amendment proposed and Question put,—That words “one farthing” be inserted after the word “package.” (*Mr. Samuel.*)

Committee divided.

Ayes, 16.

Mr. Cowper,	<i>Tellers.</i>
Mr. Egan,	
Mr. Robertson,	Mr. Burdekin,
Mr. Leary,	Mr. Samuel.
Mr. Alexander,	
Dr. Lang,	
Mr. Dangar,	
Mr. Sadleir,	
Mr. Flett,	
Mr. Garrett,	
Mr. Cowper, junr.,	
Mr. J. T. Ryan,	
Mr. Weekes,	
Mr. Hart.	

Noes, 27.

Mr. Martin,	Mr. Allen,
Mr. Wilson,	Mr. R. Forster,
Mr. Eagar,	Mr. Cunneen,
Mr. W. Forster,	Mr. Gordon,
Mr. Faucett,	Mr. Macleay,
Mr. Holroyd,	Mr. Raper,
Mr. Morris,	Mr. Piddington,
Mr. Sutherland,	Mr. Bell,
Mr. Stewart,	Mr. Rusden,
Mr. Dalgleish,	Mr. Buchanan.
Mr. Macpherson,	<i>Tellers.</i>
Mr. Lackey,	
Mr. Love,	Mr. Lucas,
Mr. Tighe,	Mr. Driver.
Mr. Caldwell,	

No. 11.

2nd Amendment proposed and Question put,—That words “four shillings” be inserted after the word “package.” (*Mr. Piddington.*)

Committee divided.

Ayes, 11.

Mr. Love,
Mr. Morris,
Mr. Dalgleish,
Dr. Lang,
Mr. Caldwell,
Mr. Lackey,
Mr. Dangar,
Mr. Sadleir,
Mr. Flett.
<i>Tellers.</i>
Mr. Hart,
Mr. Piddington.

Noes, 31.

Mr. Martin,	Mr. Alexander,
Mr. Wilson,	Mr. Samuel,
Mr. Eagar,	Mr. Egan,
Mr. W. Forster,	Mr. Allen,
Mr. Faucett,	Mr. Cunneen,
Mr. Holroyd,	Mr. Gordon,
Mr. Lucas,	Mr. Macleay,
Mr. Robertson,	Mr. Raper,
Mr. Garrett,	Mr. Bell,
Mr. Sutherland,	Mr. Rusden,
Mr. Stewart,	Mr. Buchanan,
Mr. Leary,	Mr. Weekes.
Mr. Macpherson,	<i>Tellers.</i>
Mr. Tighe,	
Mr. Cowper,	Mr. Burdekin,
Mr. J. T. Ryan,	Mr. Driver.
Mr. C. Cowper, junr.,	

No. 12.

No. 12.

3rd Amendment proposed and Question put,—That words “five shillings” be inserted after the word “package.” (*Mr. Caldwell.*)
Committee divided.

Ayes, 10.

Mr. Morris,
Mr. Dalgleish,
Dr. Lang,
Mr. Dangar,
Mr. Sadleir,
Mr. Flett,
Mr. Lackey,
Mr. Caldwell.

Tellers.

Mr. Love,
Mr. Piddington.

Noes, 29.

Mr. Martin,	Mr. J. T. Ryan,
Mr. Wilson,	Mr. C. Cowper, junr.,
Mr. W. Forster,	Mr. Hart,
Mr. Faucett,	Mr. Samuel,
Mr. Holroyd,	Mr. Allen,
Mr. Eagar,	Mr. Egan,
Mr. Burdekin,	Mr. Cunneen,
Mr. Robertson,	Mr. Driver,
Mr. Garrett,	Mr. Macleay,
Mr. Leary,	Mr. Raper,
Mr. Sutherland,	Mr. Weekes,
Mr. Stewart,	<i>Tellers.</i>
Mr. Alexander,	Mr. Lucas,
Mr. Macpherson,	Mr. Bell.
Mr. Tighe,	
Mr. Cowper,	

No. 13.

4th Amendment proposed and Question put,—That figures “0 6 0” be inserted after “package.” (*Mr. Eagar.*)
Committee divided.

Ayes, 21.

Mr. Martin,	Mr. Cunneen,
Mr. W. Forster,	Mr. Bell,
Mr. Wilson,	Mr. Raper,
Mr. Lucas,	Mr. Macleay,
Mr. Eagar,	Mr. Rusden,
Mr. Faucett,	Mr. Buchanan,
Mr. Holroyd,	Mr. Driver.
Mr. Allen,	<i>Tellers.</i>
Mr. Morris,	Mr. Love,
Mr. Dalgleish,	Mr. Macpherson.
Mr. Sutherland,	
Mr. Stewart,	

Noes, 20.

Mr. Robertson,	Mr. Lackey,
Mr. Egan,	Mr. Sadleir,
Mr. Leary,	Mr. Caldwell,
Mr. Garrett,	Mr. Piddington,
Mr. Alexander,	Mr. Hart,
Dr. Lang,	Mr. Weekes.
Mr. Dangar,	<i>Tellers.</i>
Mr. Tighe,	Mr. Burdekin,
Mr. Cowper,	Mr. Samuel.
Mr. J. T. Ryan,	
Mr. Flett,	
Mr. C. Cowper, junr.,	

No. 14.

Question, as so amended, put.
Committee divided.

Ayes, 21.

Mr. Martin,	Mr. Cunneen,
Mr. W. Forster,	Mr. Bell,
Mr. Wilson,	Mr. Raper,
Mr. Lucas,	Mr. Macleay,
Mr. Eagar,	Mr. Rusden,
Mr. Faucett,	Mr. Buchanan,
Mr. Holroyd,	Mr. Driver.
Mr. Macpherson,	<i>Tellers.</i>
Mr. Allen,	Mr. Dalgleish,
Mr. Love,	Mr. Morris.
Mr. Sutherland,	
Mr. Stewart,	

Noes, 20.

Mr. Garrett,	Mr. Lackey,
Mr. Samuel,	Mr. Sadleir,
Mr. Burdekin,	Mr. Caldwell,
Mr. Robertson,	Mr. Piddington,
Mr. Alexander,	Mr. Hart,
Dr. Lang,	Mr. Weekes.
Mr. Dangar,	<i>Tellers.</i>
Mr. Tighe,	Mr. Egan,
Mr. Cowper,	Mr. Leary,
Mr. J. T. Ryan,	
Mr. Flett,	
Mr. C. Cowper, junr.,	

No. 15.

Resolution No. 15 proposed:—

That towards raising the Supply granted to Her Majesty, there shall be charged the Import Duty following, namely:—

On Saddlery and Harness—per cubic foot measured outside
the “package” (“0 6 0”)
(*Mr. Eagar.*)

Amendment proposed and Question put,—That words “four shillings” be inserted after “package.” (*Mr. Caldwell.*)
Committee divided.

Ayes, 6.

Mr. Dalgleish,
Mr. Dangar,
Mr. Sadleir,
Mr. Flett.

Tellers.

Mr. Caldwell,
Mr. Piddington.

Noes, 35.

Mr. Martin,	Mr. Leary,
Mr. W. Forster,	Mr. Garrett,
Mr. Eagar,	Mr. Morris,
Mr. Wilson,	Dr. Lang,
Mr. Faucett,	Mr. Macpherson,
Mr. Robertson,	Mr. Cunneen,
Mr. Tighe,	Mr. Love,
Mr. Holroyd,	Mr. Raper,
Mr. C. Cowper, junr.,	Mr. Gordon,
Mr. Cowper,	Mr. Buchanan,
Mr. Alexander,	Mr. Macleay,
Mr. Bell,	Mr. Rusden,
Mr. Sutherland,	Mr. Allen,
Mr. Samuel,	Mr. Driver.
Mr. J. T. Ryan,	<i>Tellers.</i>
Mr. Egan,	Mr. Burdekin,
Mr. Hart,	Mr. Lucas.
Mr. Lackey,	
Mr. Stewart,	

No. 16.

No. 16.

Motion made and Question put,—That figures “0 6 0” be inserted after the word “package.” (*Mr. Eagar.*)
Committee divided.

Ayes, 23.

Mr. Martin,	Mr. Bell,
Mr. Lucas,	Mr. Lackey,
Mr. W. Forster,	Mr. Gordon,
Mr. Eagar,	Mr. Allen,
Mr. Wilson,	Mr. Rusden,
Mr. Faucett,	Mr. Macleay,
Mr. Holroyd,	Mr. Driver,
Mr. Macpherson,	Mr. Raper.
Mr. Sutherland,	
Mr. Dalgleish,	<i>Tellers.</i>
Mr. Stewart,	Mr. Buchanan,
Mr. Cunneen,	Mr. Love.
Mr. Morris,	

Noes, 18.

Mr. Robertson,	Mr. Leary,
Mr. Samuel,	Dr. Lang,
Mr. Burdekin,	Mr. Caldwell.
Mr. Cowper,	<i>Tellers.</i>
Mr. C. Cowper, junr.,	
Mr. Alexander,	Mr. Tighe,
Mr. Hart,	Mr. Garrett.
Mr. Piddington,	
Mr. Sadleir,	
Mr. J. T. Ryan,	
Mr. Egan,	
Mr. Dangar,	
Mr. Flett,	

Question, as so amended, put and carried.

Progress reported—to sit again.

THURSDAY, 21 JANUARY, 1864.

No. 17.

Resolution No. 17 proposed:—

That towards raising the Supply granted to Her Majesty, there shall be charged the following Stamp Duties, namely:—

On Conveyances of any kind upon the sale of any real estate or any interest therein, for or in respect of the principal or only deed, instrument, or writing, whereby such real estate or interest therein may be conveyed to or vested in the purchaser or any person, by his direction—where the purchase or consideration money therein or thereon expressed shall exceed £25 and not exceed £50	...	...	...	...	...	...	0 5 0
And where the same shall exceed £50 and not exceed £75							0 7 6
And where the same shall exceed £75 and not exceed £100							0 10 0
And where the purchase or consideration money shall exceed £100, then for every £100, and also for any fractional part of £100	...	...	...	...	...	...	0 10 0

(*Mr. Eagar.*)

Question put.

Committee divided.

Ayes, 26.

Mr. Martin,	Mr. Driver,
Mr. W. Forster,	Mr. Sadleir,
Mr. Eagar,	Mr. Flett,
Mr. Holroyd,	Mr. Tighe,
Mr. Wilson,	Mr. Allen,
Mr. Macpherson,	Mr. Caldwell,
Mr. Burdekin,	Mr. Dangar,
Mr. Alexander,	Mr. Gordon,
Mr. Dalgleish,	Mr. Macleay,
Mr. Morris,	Mr. Buchanan.
Mr. Love,	<i>Tellers.</i>
Mr. Leary,	
Mr. Emanuel,	Mr. Piddington,
Mr. Cunneen,	Mr. Bell.

Noes, 9.

Mr. C. Cowper, junr.,
Mr. Lucas.
Mr. J. T. Ryan,
Mr. Terry,
Mr. Stewart,
Mr. Robertson,
Mr. Cowper.
<i>Tellers.</i>
Mr. Redman,
Mr. Garrett.

Progress reported—to sit again.

FRIDAY, 22 JANUARY, 1864.

No. 18.

Resolution No. 18 proposed:—

That towards raising the Supply granted to Her Majesty, there shall be charged the following Stamp Duties, namely:—

On Conveyances or Transfers of any Squatting Station held on lease from the Crown (including the stock thereon) or of any interest therein, where the purchase money therein expressed shall exceed £100 and not exceed £200	1 0 0
And where the purchase money shall exceed £200, then for every £100 and for any fractional part of “£100”	0 10 0

(*Mr. Eagar.*)

Amendment

Amendment proposed and Question put,—That words “five shillings” be inserted after “£100” at end of Resolution. (*Mr. Burdekin.*)
Committee divided.

Ayes, 7.

Mr. Burdekin,
Mr. C. Cowper, junr.,
Mr. Dangar,
Mr. Tighe,
Mr. Buchanan.

Tellers.

Mr. Morris,
Mr. Leary.

Noes, 25.

Mr. Martin,	Mr. Stewart,
Mr. W. Forster,	Dr. Lang,
Mr. Eagar,	Mr. Dalgleish,
Mr. Wilson,	Mr. Allen,
Mr. Robertson,	Mr. Gordon,
Mr. Hart,	Mr. Macleay,
Mr. Holroyd,	Mr. Macpherson,
Mr. Cowper,	Mr. Driver,
Mr. Lucas,	Mr. Smart.
Mr. Terry,	<i>Tellers.</i>
Mr. Cunneen,	Mr. Garrett,
Mr. Lackey,	Mr. Bell.
Mr. Piddington,	
Mr. Flett,	

No. 19.

2nd Amendment proposed and Question put,—That words “seven shillings” be inserted at end of Resolution. (*Mr. Leary.*)
Committee divided.

Ayes, 6.

Mr. Buchanan,
Mr. Morris,
Mr. Tighe,
Mr. Dangar.

Tellers.

Mr. C. Cowper, junr.,
Mr. Leary.

Noes, 24.

Mr. Martin,	Mr. Flett,
Mr. W. Forster,	Mr. Lackey,
Mr. Eagar,	Mr. Piddington,
Mr. Holroyd,	Mr. Allen,
Mr. Hart,	Mr. Gordon,
Mr. Robertson,	Mr. Macleay,
Mr. Burdekin,	Mr. Rusden,
Mr. Smart,	Mr. Wilson,
Mr. Sadleir,	Mr. Driver.
Mr. Terry,	<i>Tellers.</i>
Mr. Cowper,	Mr. Bell,
Dr. Lang,	Mr. Dalgleish.
Mr. Garrett,	

No. 20.

Original Question put.
Committee divided.

Ayes, 23.

Mr. Martin,	Mr. Lackey,
Mr. W. Forster,	Mr. Flett,
Mr. Wilson,	Mr. Cunneen,
Mr. Eagar,	Mr. Gordon,
Mr. Holroyd,	Mr. Rusden,
Mr. Allen,	Mr. Bell,
Mr. Piddington,	Mr. Macleay,
Mr. Morris,	Mr. Driver.
Mr. Terry,	<i>Tellers.</i>
Dr. Lang,	Mr. Dalgleish,
Mr. Tighe,	Mr. Leary.
Mr. Lucas,	
Mr. Egan,	

Noes, 10.

Mr. Buchanan,
Mr. Hart,
Mr. Robertson,
Mr. C. Cowper, junr.,
Mr. Smart,
Mr. Sadleir,
Mr. Cowper,
Mr. Dangar.
<i>Tellers.</i>
Mr. Burdekin,
Mr. Garrett.

No. 21.

Resolution No. 19 proposed :—

That towards raising the Supply granted to Her Majesty, there shall be charged the following Stamp Duties, namely :—

On Mortgages of any Real Estate, where the same shall be made as a security for the payment of any definite and certain sum of money advanced or lent at the time, or previously due and owing, or forborne to be paid, being payable—

Not exceeding £50	...	...	...	...	0	1	3
Exceeding £50 and not exceeding £100	...	...	...	...	0	2	6

And where the same shall exceed £100, then for every £100, and also for any fractional part of £100	0	2	6
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(*Mr. Eagar.*)

Question put.
Committee divided.

Ayes, 13.

Mr. Martin,	Mr. Gordon,
Mr. Eagar,	Mr. Macpherson,
Mr. W. Forster,	Mr. Macleay.
Mr. Holroyd,	<i>Tellers.</i>
Mr. Piddington,	Mr. Allen,
Mr. Bell,	Mr. Dalgleish.
Mr. Buchanan,	
Mr. Rusden,	

Noes, 13.

Mr. Hart,	Mr. C. Cowper, junr.,
Mr. Tighe,	Mr. Morris,
Mr. Robertson,	Mr. Egan.
Mr. Terry,	<i>Tellers.</i>
Mr. Caldwell,	Mr. Garrett,
Mr. Sadleir,	Mr. Lucas.
Mr. Dangar,	
Mr. Sutherland,	

The

The numbers being equal, the Chairman voted with the "Ayes," and declared the Question carried in the affirmative.

No. 22.

Resolution No. 20 proposed :—

That towards raising the Supply granted to Her Majesty, there shall be charged the following Stamp Duties, namely :—

On Mortgages of any Squatting Station held on Lease from the Crown or of any interest therein—where the same shall be made of a security for the payment of any definite and certain sum of money advanced or lent at the time, or previously due and owing, or forborne to be paid, being payable—

Not exceeding £100	....	...	...	...	0	2	6
And where the same shall exceed £100, then for every £100, and also for any fractional part of £100	...	...	...	...	0	2	6

(*Mr. Eagar.*)

Question put.

Committee divided.

Ayes, 18.

Mr. Martin,	Mr. Cunneen,
Mr. W. Forster,	Mr. Buchanan,
Mr. Eagar,	Mr. Rusden,
Mr. Wilson,	Mr. Gordon,
Mr. Holroyd,	Mr. Macpherson,
Mr. Morris,	Mr. Macleay,
Mr. Piddington,	<i>Tellers.</i>
Mr. Bell,	Mr. Allen,
Mr. Sutherland,	Mr. Dalgleish.
Mr. Stewart,	

Noes, 11.

Mr. Robertson,	<i>Tellers.</i>
Mr. Garrett,	Mr. Lucas,
Mr. Egan,	Mr. Tighe.
Mr. Hart,	Mr. Terry,
Mr. Caldwell,	Mr. Sadleir,
Mr. C. Cowper, junr.,	Mr. Dangar.

No. 23.

Resolution No. 21 proposed :—

That towards raising the Supply granted to Her Majesty, there shall be charged the following Stamp Duties, namely :—

Promissory Notes payable to bearer on demand issued by any Bank or Banking Company, at the rate of for every £100 of the average annual amount in circulation, as certified under 4th Vict., No. 13

....	2	0	0
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(*Mr. Eagar.*)

Amendment proposed and Question put,—That figures "1 0 0" be inserted at end of Resolution. (*Mr. Sadleir.*)

Committee divided.

Ayes, 7.

Mr. R. Forster,
Mr. Caldwell,
Mr. Allen,
Mr. Tighe,
Mr. Sadleir.
<i>Tellers.</i>
Mr. Burdekin,
Mr. Egan.

Noes, 28.

Mr. Martin,	Mr. Stewart,
Mr. Holroyd,	Mr. Terry,
Mr. W. Forster,	Mr. Lucas,
Mr. Faucett,	Mr. Dalgleish,
Mr. Eagar,	Mr. Lackey,
Mr. Robertson,	Mr. Piddington,
Mr. Buchanan,	Mr. Morris,
Mr. Redman,	Mr. Gordon,
Mr. Cowper,	Mr. Macleay,
Mr. Garrett,	Mr. Rusden,
Mr. Cunneen,	Mr. Macpherson.
Dr. Lang,	<i>Tellers.</i>
Mr. Sutherland,	Mr. Bell,
Mr. Leary,	Mr. Macpherson.
Mr. Flett,	

No. 24.

Original Question put.

Committee divided.

Ayes, 26.

Mr. Martin,	Mr. Cunneen,
Mr. W. Forster,	Mr. Morris,
Mr. Eagar,	Mr. Lackey,
Mr. Holroyd,	Mr. Tighe,
Mr. Leary,	Mr. Rusden,
Mr. Wilson,	Mr. Gordon,
Mr. Faucett,	Mr. Macpherson,
Mr. Piddington,	Mr. Macleay,
Mr. Sutherland,	Mr. Redman,
Dr. Lang,	Mr. Bell.
Mr. Terry,	<i>Tellers.</i>
Mr. Stewart,	Mr. Buchanan,
Mr. Lucas,	Mr. Dalgleish.
Mr. Flett,	

Noes, 7.

Mr. Robertson,
Mr. Cowper,
Mr. Sadleir,
Mr. Garrett,
Mr. Allen.
<i>Tellers.</i>
Mr. Egan,
Mr. Burdekin.

No. 25.

No. 25.

Resolution No. 22 proposed :—

That towards raising the Supply granted to Her Majesty, there shall be charged the following Stamp Duties, namely :—

On Transfer of Shares or Stock, where the purchase or consideration money for the same shall not

Exceed	£25..0	1	3	Exceeding £225 not exceeding £250..0	12	6
Exceeding £25 not exceeding 50..0	50..0	2	6	" 250 ..	275..0	13 9
" 50 ..	75..0	3	9	" 275 ..	300..0	15 0
" 75 ..	100..0	5	0	" 300 ..	350..0	17 6
" 100 ..	125..0	6	3	" 350 ..	400..1	0 0
" 125 ..	150..0	7	6	" 400 ..	450..1	2 6
" 150 ..	175..0	8	9	" 450 ..	500..1	5 0
" 175 ..	200..0	10	0	" 500 ..	550..1	7 6
" 200 ..	225..0	11	3	" 550 ..	600..1	10 0
For every additional £100 or fractional part of £100 ..	..	..	..	..	..	0 5 0

(Mr. Eagar.)

Question put.

Committee divided.

Ayes, 30.

Mr. Martin,	Mr. R. Forster,
Mr. W. Forster,	Mr. Morris,
Mr. Holroyd,	Mr. Lucas,
Mr. Eagar,	Mr. Sutherland,
Mr. Leary,	Mr. Lackey,
Mr. Wilson,	Mr. Rusden,
Mr. Faucett,	Mr. Macpherson,
Mr. Piddington,	Mr. Macleay,
Mr. Tighe,	Mr. Gordon,
Mr. Caldwell,	Mr. Redman,
Mr. Terry,	Mr. Bell,
Dr. Lang,	Mr. Buchanan.
Mr. Stewart,	<i>Tellers.</i>
Mr. Cunneen,	
Mr. Flett,	Mr. Allen,
Mr. Sadleir,	Mr. Dalgleish.

Noes, 5.

Mr. Garrett,
Mr. Robertson,
Mr. Cowper.

Tellers.

Mr. Burdekin,
Mr. Egan.

Progress reported—to sit again.

1863-4.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

—
No. 19.
—

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

—
WEDNESDAY, 27 JANUARY, 1864.

No. 1.

WAYS AND MEANS—TARIFF SUBMITTED.

Resolution No. 29 :—

That towards raising the Supply granted to Her Majesty, there shall be charged from and after the first day of March, one thousand eight hundred and sixty-four, a postage of one penny for each Newspaper transmitted through the Post Office to or from any place or places within the Colony.
(*Read.*)

Amendment proposed and Question put,—That there be added to Resolution the following words “or from the Colony to any place beyond seas.” (*Mr. Morris.*)

Committee divided.

Ayes, 21.

Mr. Martin,	Mr. Harpur,
Mr. Eagar,	Mr. Rusden,
Mr. Faucett,	Mr. Gordon,
Mr. Wilson,	Mr. Macleay,
Mr. W. Forster,	Mr. Bell,
Mr. Holroyd,	Mr. Buchanan,
Mr. Leary,	Mr. Haworth,
Mr. Hart,	<i>Tellers.</i>
Mr. Morris,	Mr. Hannell,
Mr. Macpherson,	Mr. Dalgleish.
Mr. Love,	
Mr. Piddington,	

Noes, 19.

Mr. Cowper,	Mr. Caldwell,
Mr. Redman,	Mr. C. Cowper, junr.,
Mr. Robertson,	Mr. Dangar,
Mr. Burdekin,	Mr. Morrice,
Mr. Alexander,	Mr. Driver.
Mr. R. Forster,	<i>Tellers.</i>
Mr. Garrett,	Mr. Egan,
Mr. Sutherland,	Mr. Lucas.
Mr. Sadleir,	
Mr. Stewart,	
Mr. Emanuel,	
Mr. Flett,	

No. 2.

Motion made and Question put,—That the Resolution, as amended, be reported to the House. (*Mr. Eagar.*)

Committee

Committee divided.

Ayes, 19.

Mr. Martin,	Mr. Rusden,
Mr. Holroyd,	Mr. Gordon,
Mr. Eagar,	Mr. Bell,
Mr. Faucett,	Mr. Buchanan,
Mr. Wilson,	Mr. Macleay,
Mr. W. Forster,	Mr. Haworth.
Mr. Leary,	<i>Tellers.</i>
Mr. Macpherson,	Mr. Hannell,
Mr. Morris,	Mr. Dalglish.
Mr. Piddington,	
Mr. Harpur,	

Progress reported—to sit again.

Noes, 16.

Mr. Redman,	Mr. Dangar,
Mr. Burdekin,	Mr. Morrice,
Mr. Robertson,	Mr. Driver.
Mr. Egan,	<i>Tellers.</i>
Mr. Cowper,	Mr. Alexander,
Mr. R. Forster,	Mr. Lucas.
Mr. Flett,	
Mr. Garrett,	
Mr. Caldwell,	
Mr. Sadleir,	
Mr. C. Cowper, junr.,	

FRIDAY, 29 JANUARY, 1864.

No. 3.

CUSTOMS DUTIES BILL.

Clause 1. Such parts of the Schedule to the Act-nineteenth Victoria number fourteen as relate to duties on Spirits of any kind and on Wine and on Ale Beer and Porter and on Coffee and *Chicory* "and so much of the Tobacco Duties Act of 1861 as relates to duties on *Cigars*" are hereby repealed—and in lieu of all Duties of Customs heretofore levied thereon respectively there shall be payable on the importation into the Colony of the several goods and merchandise enumerated in the Schedule A to this Act the several Duties of Customs mentioned in the said Schedule A. (*Read.*)

Amendment proposed,—That all the words after "*Chicory*" to *Cigars* inclusive be omitted. (*Mr. Leary.*)

Question put,—That words proposed to be omitted stand part of clause.

Committee divided.

Ayes, 23.

Mr. Martin,	Mr. Lucas,
Mr. W. Forster,	Mr. Alexander,
Mr. Eagar,	Mr. Lackey,
Mr. Holroyd,	Mr. Bell,
Mr. Faucett,	Mr. Buchanan,
Mr. Wilson,	Mr. Gordon,
Mr. Macpherson,	Mr. Macleay,
Mr. Terry,	Mr. Redman.
Mr. Love,	<i>Tellers.</i>
Mr. Lord,	Mr. Dalglish,
Mr. Stewart,	Mr. Morris.
Mr. Shepherd,	
Mr. Morrice,	

Noes, 8.

Mr. Cowper,
Mr. Garrett,
Mr. Dangar,
Mr. Leary,
Mr. Sadleir,
Dr. Lang.
<i>Tellers.</i>
Mr. Hannell,
Mr. Burdekin.

Clauses 1, 2, 3, 4, and 5, read and carried.

No. 4.

Clause 6. If upon any goods being entered for drawback it shall appear on examination thereof that they are not in the same packages in which they were originally imported—or if it shall be satisfactorily shewn to any Officer of Customs that they were imported previously to the passing of this Act or by a different ship from that named in the entry—or that they are not the same goods on which the duty claimed to be refunded was paid—such goods "shall be forfeited and" may be seized by such "*officer*" Provided that in the case of any goods liable to forfeiture under this or any other Act relating to the Customs—if it shall be satisfactorily shewn to the "*Collector*" that there existed no culpable negligence or intention of fraud on the part of the owner or his agent—it shall be lawful for the Collector to return the *goods* "on the " payment by such owner or agent of a fine not exceeding *forty* shillings to " be paid into the Consolidated Revenue Fund." (*Read.*)

And the clause having been amended, by the omission of the words "shall be forfeited and," and the insertion after "officer," of the words "and shall be liable to forfeiture" (Mr. Martin);—

3rd Amendment proposed,—That the word "*Collector*" be omitted. (*Mr. Redman.*)

Question put,—That the word proposed to be omitted stand part of clause.

Committee divided.

Ayes, 20.

Mr. Martin,	Mr. Rusden,
Mr. Holroyd,	Mr. Bell,
Mr. W. Forster,	Mr. Macleay,
Mr. Eagar,	Mr. Lackey,
Mr. Wilson,	Mr. Gordon,
Mr. Faucett,	Mr. Piddington,
Mr. Hart,	Mr. Raper.
Mr. Macpherson,	<i>Tellers.</i>
Mr. Morris,	Mr. Leary,
Mr. Shepherd,	Mr. Buchanan.
Mr. Burdekin,	

Noes, 17.

Mr. Robertson,	Mr. Sutherland,
Mr. Driver,	Mr. Stewart,
Mr. Egan,	Mr. Garrett,
Mr. Redman,	Mr. Weekes.
Mr. Dalglish,	<i>Tellers.</i>
Mr. Terry,	Mr. Hannell,
Mr. Love,	Mr. Tighe.
Mr. Caldwell,	
Mr. Dangar,	
Mr. Sadleir,	
Mr. Lucas,	

No. 5.

No. 5.

4th Amendment proposed,—That all the words after “goods” to end of clause be omitted. (*Mr. Redman.*)

Question put,—That words proposed to be omitted stand part of clause.
Committee divided.

Ayes, 17.

Mr. Martin,	Mr. Lackey,
Mr. Holroyd,	Mr. Bell,
Mr. Wilson,	Mr. Buchanan,
Mr. W. Forster,	Mr. Rusden,
Mr. Faucett,	Mr. Macleay.
Mr. Eagar,	<i>Tellers.</i>
Mr. Hart,	
Mr. Raper,	Mr. Macpherson,
Mr. Piddington,	Mr. Leary.
Mr. Gordon,	

Noes, 18.

Mr. Robertson,	Mr. Terry,
Mr. Garrett,	Mr. Morris,
Mr. Redman,	Mr. Caldwell,
Mr. Tighe,	Mr. Lucas,
Mr. Hannell,	Mr. Stewart,
Mr. Burdekin,	Mr. Sutherland.
Mr. Love,	<i>Tellers.</i>
Mr. Sadleir,	
Mr. Dangar,	Mr. Egan,
Mr. Dalglish,	Mr. Driver.

Clause, as amended, carried.

Clauses 7 and 8 read and carried.

No. 6.

Clause 9. This Act shall continue in force until the first day of January one thousand eight hundred and sixty-“six” And shall be styled and may be cited as the “Customs Duties Act of 1864.” (*Read.*)

Amendment proposed,—That the word “six” be omitted. (*Mr. Driver.*)

Question put,—That word proposed to be omitted stand part of clause.
Committee divided.

Ayes, 26.

Mr. Martin,	Mr. Dangar,
Mr. W. Forster,	Mr. Sadleir,
Mr. Eagar,	Mr. Smart,
Mr. Wilson,	Mr. Cowper,
Mr. Holroyd,	Mr. C. Cowper, junr.,
Mr. Macpherson,	Mr. Gordon,
Mr. Egan,	Mr. Rusden,
Mr. Shepherd,	Mr. Lackey,
Mr. Hart,	Mr. Love,
Mr. Caldwell,	Mr. Macleay.
Mr. Dalglish,	<i>Tellers.</i>
Mr. Redman,	
Mr. Garrett,	Mr. Leary,
Mr. Tighe,	Mr. Piddington.

Noes, 6.

Mr. Lucas,
Mr. Terry,
Mr. Sutherland,
Mr. Raper.
<i>Tellers.</i>
Mr. Morris,
Mr. Driver.

No. 7.

Clause read, and question put.
Committee divided.

Ayes, 28.

Mr. Martin,	Mr. Dangar,
Mr. W. Forster,	Mr. Tighe,
Mr. Eagar,	Mr. Smart,
Mr. Wilson,	Mr. Cowper,
Mr. Holroyd,	Mr. C. Cowper, junr.,
Mr. Buchanan,	Mr. Gordon,
Mr. Leary,	Mr. Rusden,
Mr. Piddington,	Mr. Lackey,
Mr. Egan,	Mr. Love,
Mr. Shepherd,	Mr. Macleay,
Mr. Hart,	Mr. Garrett.
Mr. Morris,	<i>Tellers.</i>
Mr. Redman,	
Mr. Sadleir,	Mr. Macpherson,
Mr. Caldwell,	Mr. Dalglish.

Noes, 5.

Mr. Terry,
Mr. Sutherland,
Mr. Raper.
<i>Tellers.</i>
Mr. Lucas,
Mr. Driver.

No. 8.

SCHEDULE A.

SCHEDULE A.

“ On Rum not distilled within the Colony—the proof gallon—Eight shillings ”
 On Sweetened and Perfumed Spirits—the liquid gallon—Ten shillings
 On all other “ Spirits ”—the proof gallon—Ten shillings
 On Champagne and Sparkling Wines of all kinds—per dozen reputed quarts—Ten shillings
 On Champagne and Sparkling Wines of all kinds—per dozen reputed pints—Five shillings
 On Hock Sauterne Burgundy Claret and Moselle—per dozen reputed quarts—“ Ten ” shillings
 On Hock Sauterne Burgundy Claret and Moselle—per dozen reputed pints—Five shillings
 On any of the foregoing Wines in wood—per gallon—“ Five ” shillings
 On all other Wines in wood or bottle not exceeding in strength twenty-five per centum of Alcohol—per gallon—Three shillings
 On Ale and Porter in bottle—per gallon—Six-pence
 On Ale and Porter in Wood—per gallon—Three-pence
 On Coffee and Chicory—per pound—Three-pence
 “ On Cigars—per pound—Five shillings ”
 (*Read.*)

Amendment

Amendment proposed,—That all the words of line 2 be omitted from Schedule
(*Mr. Dangar.*)
Question,—That words proposed to be omitted stand part of Schedule.
Committee divided.

Ayes, 22.

Mr. Martin,	Mr. Driver,
Mr. W. Forster,	Mr. Leary,
Mr. Eagar,	Mr. Terry,
Mr. Raper,	Mr. Rusden,
Mr. Wilson,	Mr. Gordon,
Mr. Love,	Mr. Holroyd,
Mr. Macpherson,	Mr. Lackey,
Mr. Piddington,	Mr. Macleay.
Mr. Shepherd,	<i>Tellers.</i>
Mr. Hart,	
Mr. Morris,	Mr. Dalgleish,
Mr. Redman,	Mr. Buchanan.

Noes, 14.

Mr. Robertson,	<i>Tellers.</i>
Mr. Garrett,	
Mr. Lucas,	Mr. Hannell,
Mr. Caldwell,	Mr. Tighe.
Mr. Egan,	
Mr. Stewart,	
Mr. Sadleir,	
Mr. Dangar,	
Mr. C. Cowper, junr.,	
Mr. Cowper,	
Mr. Weekes,	
Mr. Sutherland,	

No. 9.

2nd Amendment proposed and Question put,—That the words “Whisky
excepted” be inserted after “Spirits” in line 4. (*Mr. Sadleir.*)
Committee divided.

Ayes, 13.

Mr. Robertson,	<i>Tellers.</i>
Mr. Egan,	
Mr. Tighe,	Mr. Raper,
Mr. Garrett,	Mr. Hart.
Mr. Cowper,	
Mr. Stewart,	
Mr. Dangar,	
Mr. Sadleir,	
Mr. Morrice,	
Mr. Hannell,	
Mr. Weekes,	

Noes, 21.

Mr. Martin,	Mr. Caldwell,
Mr. Eagar,	Mr. Leary,
Mr. W. Forster,	Mr. Driver,
Mr. Wilson,	Mr. Gordon,
Mr. Holroyd,	Mr. Macleay.
Mr. Dalgleish,	Mr. Lackey,
Mr. Buchanan,	Mr. Rusden.
Mr. Morris,	<i>Tellers.</i>
Mr. Shepherd,	
Mr. Redman,	Mr. Love,
Mr. Macpherson,	Mr. Piddington.
Mr. Terry,	

No. 10.

3rd Amendment proposed and Question put,—That the blank in line 10 be filled
with the word “five.” (*Mr. Caldwell.*)
Committee divided.

Ayes, 10.

Mr. Robertson,
Mr. Cowper,
Mr. Dangar,
Mr. Sadleir,
Mr. Caldwell,
Mr. Garrett,
Mr. Morrice,
Mr. Weekes.
<i>Tellers.</i>
Mr. Egan,
Mr. Morris.

Noes, 24.

Mr. Martin,	Mr. Redman,
Mr. W. Forster,	Mr. Tighe,
Mr. Holroyd,	Mr. Leary,
Mr. Eagar,	Mr. Driver,
Mr. Wilson,	Mr. Stewart,
Mr. Buchanan,	Mr. Terry,
Mr. Lucas,	Mr. Gordon,
Mr. Love,	Mr. Macleay,
Mr. Hannell,	Mr. Raper.
Mr. Dalgleish,	<i>Tellers.</i>
Mr. Piddington,	
Mr. Macpherson,	Mr. Rusden,
Mr. Shepherd,	Mr. Lackey.

“And the Schedule having been amended, by filling the blank in line 10 with the
word “ten”;—

No. 11.

5th Amendment proposed and Question put,—That the blank in line 13 be filled
with the word “three.” (*Mr. Dangar.*)
Committee divided.

Ayes, 9.

Mr. Robertson,
Mr. Cowper,
Mr. Dangar,
Mr. Caldwell,
Mr. Sadleir,
Mr. Morrice,
Mr. Garrett.
<i>Tellers.</i>
Mr. Egan,
Mr. Morris.

Noes, 24.

Mr. Martin,	Mr. Stewart,
Mr. W. Forster,	Mr. Leary,
Mr. Eagar,	Mr. Terry,
Mr. Wilson,	Mr. Gordon,
Mr. Buchanan,	Mr. Macleay,
Mr. Love,	Mr. Raper,
Mr. Dalgleish,	Mr. Rusden,
Mr. Hannell,	Mr. Lackey,
Mr. Piddington,	Mr. Redman.
Mr. Holroyd,	<i>Tellers.</i>
Mr. Macpherson,	
Mr. Shepherd,	Mr. Driver,
Mr. Tighe,	Mr. Lucas.

And the Schedule having been further amended, by filling the blank in line 13 with
the word “five” (*Mr. Eagar.*);—

No. 12.

No. 12.

7th Amendment proposed,—That all the words of line 19 be omitted. (*Mr. Leary.*)
 Question put,—That the words proposed to be omitted stand part of Schedule.
 Committee divided.

Ayes, 23.

Mr. Martin,	Mr. Stewart,
Mr. W. Forster,	Mr. Driver,
Mr. Eagar,	Mr. Morrice,
Mr. Wilson,	Mr. Gordon,
Mr. Holroyd,	Mr. Rusden,
Mr. Lucas,	Mr. Lackey,
Mr. Buchanan,	Mr. Macleay,
Mr. Love,	Mr. Raper.
Mr. Redman,	
Mr. Macpherson,	<i>Tellers..</i>
Mr. Shepherd,	Mr. Dalglish,
Mr. Tighe,	Mr. Morris.
Mr. Terry,	

Noes, 11.

Mr. Robertson,
Mr. Egan,
Mr. Caldwell,
Mr. Sadleir,
Mr. Leary,
Mr. Dangar,
Mr. Cowper,
Mr. Weekes,
Mr. Garrett.
<i>Tellers.</i>
Mr. Hannell,
Mr. Piddington.

No. 13.

Schedule, as amended, put.
 Committee divided.

Ayes, 24.

Mr. Martin,	Mr. Terry,
Mr. W. Forster,	Mr. Piddington,
Mr. Eagar,	Mr. Tighe,
Mr. Wilson,	Mr. Hannell,
Mr. Holroyd,	Mr. Gordon,
Mr. Buchanan,	Mr. Rusden,
Mr. Lucas,	Mr. Lackey,
Mr. Dalglish,	Mr. Raper,
Mr. Love,	Mr. Macleay.
Mr. Leary,	<i>Tellers.</i>
Mr. Morris,	Mr. Stewart,
Mr. Macpherson,	Mr. Driver.
Mr. Shepherd,	

Noes, 10.

Mr. Robertson,
Mr. Garrett,
Mr. Caldwell,
Mr. Sadleir,
Mr. Dangar,
Mr. Morrice,
Mr. Cowper,
Mr. Weekes.
<i>Tellers.</i>
Mr. Egan,
Mr. Redman.

No. 14.

SCHEDULE B.

SCHEDULE B.

On Dried Fruits Nuts and Almonds (Cocoanuts excepted)—per *hundredweight*—
 “Ten” shillings

On Oil of all kinds (Whale “Cocanut” and Palm Oil excepted) and Turpentine—
 per gallon—Three-pence

On Candles (except Candles made entirely of Tallow “in an unprepared state”)—
 per pound—“One penny”

“On Confectionery and Preserves—per pound—Two-pence”

“On Rice—per ton—Two pounds”

On Hops—per pound—Three-pence

On Malt—per bushel—Six-pence

“On Carriages either put together or in parts and constructed so as to run on four
 “wheels, and on each portion of the body of any Carriage constructed so as
 “to run on four wheels which does not with other portions forming part of the
 “same cargo constitute the entire body—each”—“Ten” pounds

On Carriages either put together or in parts and constructed so as to run on two
 wheels and on each portion of the body of any Carriage constructed so as
 to run on two wheels which does not with other portions forming part of the
 same cargo constitute the entire body—each—Five pounds

“On Furniture wholly or in part manufactured in which wood is the sole or
 chief material—per cubic foot measured outside the package”—“One shilling
 and six-pence”

On Musical Instruments—per cubic foot measured outside the package—One
 shilling and sixpence

“On Boots and Shoes—per cubic foot measured outside the package—Six
 shillings”

On Saddlery and Harness—per cubic foot measured outside the package—Six
 shillings. (*Read.*)

Amendment proposed and Question put,—That the blank after “*hundredweight*” in line
 3 be filled with the word “five.” (*Mr. Caldwell.*)

Committee divided.

Ayes, 9.

Mr. Robertson,
Mr. Egan,
Mr. Redman,
Mr. Sadleir,
Mr. Stewart,
Mr. Weekes,
Mr. Garrett.
<i>Tellers.</i>
Mr. Dangar,
Mr. Caldwell.

Noes, 22.

Mr. Martin,	Mr. Terry,
Mr. Eagar,	Mr. Dalglish,
Mr. W. Forster,	Mr. Morris,
Mr. Wilson,	Mr. Morrice,
Mr. Holroyd,	Mr. Raper,
Mr. Buchanan,	Mr. Gordon,
Mr. Tighe,	Mr. Macleay,
Mr. Hannell,	Mr. Rusden.
Mr. Piddington,	<i>Tellers.</i>
Mr. Leary,	
Mr. Shepherd,	Mr. Love,
Mr. Macpherson,	Mr. Lackey.

And

And the Schedule having been amended, by filling the blank in line 3 with the word "ten" (Mr. Eagar),
And the insertion of "Cod Liver" after "Whale," in line 4 (Mr. Dalgleish);—

No. 15.

4th Amendment proposed and Question put,—That the words "Olive, Sweet, Linseed, Medicinal" be inserted in line 4 after "Cocanut."

Committee divided.

Ayes, 14.
Mr. Robertson, Mr. Sutherland.
Mr. Redman, Tellers.
Mr. C. Cowper, junr.,
Mr. Terry, Mr. Weekes,
Mr. Egan, Mr. Garrett.
Mr. Caldwell,
Mr. Dangar,
Mr. Stewart,
Mr. Sadleir,
Mr. Morrice,
Mr. Raper,

Noes, 19.
Mr. Martin, Mr. Hart,
Mr. W. Forster, Mr. Gordon,
Mr. Eagar, Mr. Macleay,
Mr. Wilson, Mr. Buchanan,
Mr. Holroyd, Mr. Rusden,
Mr. Piddington, Mr. Lackey.
Mr. Dalgleish, Tellers.
Mr. Shepherd,
Mr. Macpherson, Mr. Hannell,
Mr. Morris, Mr. Tighe.
Mr. Leary,

And the Schedule having been further amended, by the omission of the words "and Turpentine" from line 4 (Mr. Weekes);—

No. 16.

6th Amendment proposed,—That the words "in an unprepared state" be omitted from line 6. (Mr. Caldwell.)

Question put,—That words proposed to be omitted stand part of Schedule.

Committee divided.

Ayes, 17.
Mr. Martin, Mr. Piddington,
Mr. W. Forster, Mr. Gordon,
Mr. Eagar, Mr. Rusden,
Mr. Wilson, Mr. Buchanan,
Mr. Raper, Mr. Macleay.
Mr. Holroyd, Tellers.
Mr. Stewart,
Mr. Redman, Mr. Terry,
Mr. Macpherson, Mr. Sutherland.
Mr. Morris,

Noes, 16.
Mr. Cowper, Mr. Sadleir,
Mr. Robertson, Mr. Morrice,
Mr. Hannell, Mr. Hart,
Mr. Tighe, Mr. C. Cowper, junr.
Mr. Love, Tellers.
Mr. Caldwell,
Mr. Shepherd, Mr. Egan,
Mr. Dalgleish, Mr. Garrett.
Mr. Dangar,
Mr. Leary,

No. 17.

7th Amendment proposed and Question put,—That the words "and known in commerce as Tallow Candles" be inserted in line 6, after the word "state." (Mr. Hart.)

Committee divided.

Ayes, 15.
Mr. Robertson, Mr. Garrett,
Mr. Cowper, Mr. C. Cowper, junr.,
Mr. Hart, Mr. Hannell,
Mr. Love, Mr. Morrice.
Mr. Egan, Tellers.
Mr. Shepherd,
Mr. Dangar, Mr. Leary,
Mr. Sadleir, Mr. Tighe.
Mr. Caldwell,

Noes, 18.
Mr. Martin, Mr. Morris,
Mr. W. Forster, Mr. Gordon,
Mr. Eagar, Mr. Raper,
Mr. Wilson, Mr. Macleay,
Mr. Holroyd, Mr. Buchanan,
Mr. Macpherson, Mr. Rusden.
Mr. Redman, Tellers.
Mr. Terry,
Mr. Sutherland, Mr. Piddington,
Mr. Stewart, Mr. Dalgleish.

No. 18.

8th Amendment proposed,—That the words "one penny" be omitted from line 7. (Mr. Leary.)

Question put,—That words proposed to be omitted stand part of Schedule.

Committee divided.

Ayes, 18.
Mr. Martin, Mr. Morris,
Mr. W. Forster, Mr. Buchanan,
Mr. Eagar, Mr. Rusden,
Mr. Wilson, Mr. Gordon,
Mr. Macpherson, Mr. Macleay,
Mr. Piddington, Mr. Raper.
Mr. Holroyd, Tellers.
Mr. Redman,
Mr. Sutherland, Mr. Terry,
Mr. Stewart, Mr. Dalgleish.

Noes, 13.
Mr. Robertson, Mr. Morrice.
Mr. Tighe, Tellers.
Mr. Garrett,
Mr. Dangar, Mr. Hart,
Mr. Cowper, Mr. Egan.
Mr. Caldwell,
Mr. Love,
Mr. Sadleir,
Mr. C. Cowper, junr.,
Mr. Leary,

No. 19.

9th Amendment proposed,—That all the words of line 8 be omitted. (Mr. Dangar.)

Question put,—That words proposed to be omitted stand part of Schedule.

Committee divided.

Ayes, 21.
Mr. Martin, Mr. Stewart,
Mr. W. Forster, Mr. Morris,
Mr. Eagar, Mr. Buchanan,
Mr. Wilson, Mr. Rusden,
Mr. Holroyd, Mr. Gordon,
Mr. Redman, Mr. Macleay,
Mr. Terry, Mr. Raper.
Mr. Piddington, Tellers.
Mr. Hart,
Mr. Tighe, Mr. Dalgleish,
Mr. Leary, Mr. Macpherson.
Mr. Sutherland,

Noes, 8.
Mr. Robertson,
Mr. Cowper,
Mr. Sadleir,
Mr. Caldwell,
Mr. Morrice,
Mr. C. Cowper, junr.
Tellers.
Mr. Garrett,
Mr. Egan.

No. 20.

No. 20.

10th Amendment proposed,—That all the words of line 9 be omitted.
(*Mr. Terry.*)

Question put,—That words proposed to be omitted stand part of Schedule.
Committee divided.

Ayes, 17.

Mr. Martin,	Mr. Buchanan,
Mr. W. Forster,	Mr. Rusden,
Mr. Eagar,	Mr. Gordon,
Mr. Wilson,	Mr. Macleay,
Mr. Holroyd,	Mr. Raper.
Mr. Robertson,	
Mr. Macpherson,	<i>Tellers.</i>
Mr. Leary,	Mr. Piddington,
Mr. Love,	Mr. Hart.
Mr. Morris,	

Noes, 15.

Mr. Garrett,	Mr. Stewart,
Mr. Tighe,	Mr. Morrice,
Mr. Terry,	Mr. C. Cowper, junr.
Mr. Sadleir,	
Mr. Redman,	<i>Tellers.</i>
Mr. Cowper,	Mr. Egan,
Mr. Dangar,	Mr. Dalglish.
Mr. Sutherland,	
Mr. Driver,	
Mr. Caldwell,	

No. 21.

11th Amendment proposed,—That all the words of lines 12, 13, 14, and 15, as far as the word "each" inclusive, be omitted.

Question put,—That words proposed to be omitted stand part of Schedule.
Committee divided.

Ayes, 20.

Mr. Martin,	Mr. Stewart,
Mr. W. Forster,	Mr. Morris,
Mr. Eagar,	Mr. Buchanan,
Mr. Wilson,	Mr. Rusden,
Mr. Holroyd,	Mr. Gordon,
Mr. Piddington,	Mr. Macleay,
Mr. Tighe,	Mr. Raper.
Mr. Terry,	
Mr. Sutherland,	<i>Tellers.</i>
Mr. Love,	Mr. Dalglish,
Mr. Driver,	Mr. Macpherson.

Noes, 9.

Mr. Robertson,
Mr. C. Cowper, junr.,
Mr. Sadleir,
Mr. Cowper,
Mr. Garrett,
Mr. Dangar,
Mr. Morrice.
<i>Tellers.</i>
Mr. Leary,
Mr. Hart.

No. 22.

12th Amendment proposed and Question put,—That the blank after "each" in line 15 be filled with the word "five." (*Mr. Caldwell.*)
Committee divided.

Ayes, 10.

Mr. Robertson,
Mr. Hart,
Mr. C. Cowper, junr.,
Mr. Cowper,
Mr. Caldwell,
Mr. Sadleir,
Mr. Dangar,
Mr. Morrice.
<i>Tellers.</i>
Mr. Garrett,
Mr. Leary.

Noes, 19.

Mr. Martin,	Mr. Morris,
Mr. Eagar,	Mr. Raper,
Mr. W. Forster,	Mr. Macleay,
Mr. Wilson,	Mr. Gordon,
Mr. Holroyd,	Mr. Rusden.
Mr. Dalglish,	
Mr. Macpherson,	<i>Tellers.</i>
Mr. Tighe,	Mr. Piddington,
Mr. Driver,	Mr. Buchanan.
Mr. Terry,	
Mr. Stewart,	
Mr. Sutherland,	

And the Schedule having been further amended, by filling the blank in line 15 with the word "ten" (*Mr. Eagar*);—

No. 23.

14th Amendment proposed :—

That all the words of lines 20 and 21 as far as "package" inclusive, be omitted. (*Mr. Tighe.*)

Question put,—That words proposed to be omitted stand part of Schedule.
Committee divided.

Ayes, 17.

Mr. Martin,	Mr. Raper,
Mr. W. Forster,	Mr. Macleay,
Mr. Holroyd,	Mr. Buchanan,
Mr. Eagar,	Mr. Rusden,
Mr. Wilson,	Mr. Gordon.
Mr. Dalglish,	
Mr. Piddington,	<i>Tellers.</i>
Mr. Macpherson,	Mr. Morris,
Mr. Sutherland,	Mr. Driver.
Mr. Stewart,	

Noes, 10.

Mr. Robertson,	<i>Tellers.</i>
Mr. Garrett,	
Mr. Hart,	Mr. Leary,
Mr. C. Cowper, junr.,	Mr. Tighe.
Mr. Cowper,	
Mr. Sadleir,	
Mr. Morrice,	
Mr. Dangar,	

No. 24.

No. 24.

15th Amendment proposed and Question put,—That the blank in line 21 be filled with the words "one shilling." (*Mr. Caldwell.*)
Committee divided.

Ayes, 12.

Mr. Hart,	<i>Tellers.</i>
Mr. C. Cowper, junr.,	
Mr. Robertson,	Mr. Caldwell,
Mr. Cowper,	Mr. Tigue.
Mr. Sadleir,	
Mr. Dangar,	
Mr. Terry,	
Mr. Garrett,	
Mr. Leary,	
Mr. Morrice.	

Noes, 17.

Mr. Martin,	Mr. Macleay,
Mr. W. Forster,	Mr. Buchanan,
Mr. Eagar,	Mr. Gordon,
Mr. Wilson,	Mr. Raper,
Mr. Holroyd,	Mr. Driver.
Mr. Dalgleish,	<i>Tellers.</i>
Mr. Piddington,	
Mr. Macpherson,	Mr. Sutherland,
Mr. Stewart,	Mr. Morris.
Mr. Rusden,	

And the Schedule having been further amended, by filling the blank in line 21 with the words "one shilling and sixpence" (Mr. Eagar);—

Progress reported—to sit again.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 20.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 2 FEBRUARY, 1864.

No. 1.

CUSTOMS DUTIES BILL.

SCHEDULE B (as amended).

- On Dried Fruits Nuts and Almonds (Cocoanuts excepted)—per hundredweight—
Ten shillings
- On Oil of all kinds (Whale Cod Liver Coconut and Palm Oil excepted)—per
gallon—Three-pence
- On Candles (except Candles made entirely of Tallow in an unprepared state)—
per pound—One penny
- On Confectionery and Preserves—per pound—Two-pence
- On Rice—per ton—Two pounds
- On Hops—per pound—Three-pence
- On Malt—per bushel—Six-pence
- On Carriages either put together or in parts and constructed so as to run on four
wheels, and on each portion of the body of any Carriage constructed so as
to run on four wheels which does not with other portions forming part of the
same cargo constitute the entire body—each—Ten pounds
- On Carriages either put together or in parts and constructed so as to run on two
wheels and on each portion of the body of any Carriage constructed so as
to run on two wheels which does not with other portions forming part of the
same cargo constitute the entire body—each—Five pounds
- On Furniture wholly or in part manufactured in which wood is the sole or
chief material—per cubic foot measured outside the package—One shilling
and six-pence
- On Musical Instruments—per cubic foot measured outside the package—One
shilling and sixpence
- “ On Boots and Shoes—per cubic foot measured outside the package—Six
shillings ”
- On Saddlery and Harness—per cubic foot measured outside the package—Six
shillings. (*Read.*)

Question proposed,—That the Schedule, as amended, stand part of the Bill.

Amendment proposed,—That the words “ On Boots and Shoes—per cubic foot
measured outside the package—Six shillings ” be omitted. (*Mr. Terry.*)

Question put,—That the words proposed to be omitted stand part of the Schedule.
Committee divided.

Ayes, 20.

Mr. Martin,	Mr. Lackey,
Mr. W. Forster,	Mr. Shepherd,
Mr. Eagar,	Mr. Stewart,
Mr. Holroyd,	Mr. Lord,
Mr. Faucett,	Mr. Raper,
Mr. Wilson,	Mr. Rusden,
Mr. Buchanan,	Mr. Macleay,
Mr. Haworth,	
Mr. Driver,	<i>Tellers.</i>
Mr. Allen,	Mr. Bell,
Mr. Dalgleish,	Mr. Morris.

Noes, 16.

Mr. Cowper,	Mr. Morrice,
Mr. C. Cowper, junr.,	Mr. Weekes,
Mr. Tighe,	Mr. Garrett,
Mr. Egan,	<i>Tellers.</i>
Mr. Redman,	
Mr. Caldwell,	Mr. Hart,
Mr. Burns,	Mr. Lucas.
Mr. Terry,	
Mr. Leary,	
Mr. Sadleir,	
Mr. Dangar,	

No. 2.

Motion made and Question put,—That the Schedule, as amended, stand part of the Bill.

Committee divided.

Ayes, 19.

Mr. Martin,	Mr. Shepherd,
Mr. W. Forster,	Mr. Lackey,
Mr. Holroyd,	Mr. Lord,
Mr. Eagar,	Mr. Raper,
Mr. Faucett,	Mr. Rusden,
Mr. Wilson,	Mr. Macleay,
Mr. Buchanan,	
Mr. Haworth,	<i>Tellers.</i>
Mr. Morris,	Mr. Allen,
Mr. Bell,	Mr. Dalgleish.
Mr. Stewart,	

Noes, 16.

Mr. Cowper,	Mr. Morrice,
Mr. C. Cowper, junr.,	Mr. Driver,
Mr. Egan,	Mr. Weekes,
Mr. Redman,	<i>Tellers.</i>
Mr. Caldwell,	
Mr. Garrett,	Mr. Hart,
Mr. Sadleir,	Mr. Tighe.
Mr. Burns,	
Mr. Leary,	
Mr. Terry,	
Mr. Dangar,	

Bill reported with Amendments.

THURSDAY, 4 FEBRUARY, 1864.

No. 3.

NEWSPAPER POSTAGE BILL.

Clause 1. Upon and after the first day of "March" one thousand eight hundred and sixty-four a postage rate of one penny shall be payable on every Newspaper posted within or transmitted through the Post within the Colony except on Newspapers "arriving" from parts out of the "Colony" upon which postage has been prepaid. (*Read.*)

And the Clause having been amended by substituting "April" for "March"—by inserting after "arriving" the words "through the Post," and by omitting all the words after "Colony."

Motion made and Question put,—That the Clause, as amended, stand part of the Bill. (*Mr. Eagar.*)

Committee divided.

Ayes, 21.

Mr. Martin,	Mr. Gordon,
Mr. W. Forster,	Mr. Lackey,
Mr. Wilson,	Mr. Suttor,
Mr. Eagar,	Mr. Harpur,
Mr. Holroyd,	Mr. Macleay,
Mr. Dalgleish,	Mr. Hart,
Mr. Buchanan,	Mr. Allen,
Mr. Macpherson,	
Mr. Piddington,	<i>Tellers.</i>
Mr. Walker,	Mr. Leary,
Mr. Hannell,	Mr. Morris.
Mr. Bell,	

Noes, 20.

Mr. Tighe,	Mr. Caldwell,
Mr. Robertson,	Mr. R. Forster,
Mr. Egan,	Mr. Morrice,
Mr. Lucas,	Mr. Arnold,
Mr. Garrett,	Mr. Weekes,
Mr. Alexander,	Mr. C. Cowper, junr.,
Mr. Cowper,	<i>Tellers.</i>
Mr. Terry,	
Mr. Redman,	Mr. Driver,
Mr. Dangar,	Mr. Burns.
Mr. Cunneen,	
Mr. Sadleir,	

No. 4.

(*Same Bill.*)

Clause 2. Provided that nothing herein shall affect any postal arrangements now or hereafter in force between this Colony and other Countries relating to the transmission of Newspapers by Post under the Act eighteenth Victoria number seventeen. (*Read.*)

Motion made and Question put,—That the Clause, as read, stand part of the Bill. (*Mr. Eagar.*)

Committee divided.

Ayes, 24.

Mr. Martin,	Mr. Harpur,
Mr. W. Forster,	Mr. Hannell,
Mr. Eagar,	Mr. Bell,
Mr. Wilson,	Mr. Gordon,
Mr. Holroyd,	Mr. Lackey,
Mr. Macpherson,	Mr. Suttor,
Mr. Buchanan,	Mr. Macleay,
Mr. Piddington,	Mr. Hart,
Mr. Walker,	Mr. Allen,
Mr. Leary,	
Mr. Tighe,	<i>Tellers.</i>
Mr. Terry,	Mr. Dalgleish,
Mr. Cunneen,	Mr. Morris.

Noes, 17.

Mr. Driver,	Mr. Weekes,
Mr. Burns,	Mr. C. Cowper, junr.,
Mr. Robertson,	<i>Tellers.</i>
Mr. Garrett,	
Mr. Alexander,	Mr. Egan,
Mr. Cowper,	Mr. Lucas.
Mr. Redman,	
Mr. Dangar,	
Mr. Caldwell,	
Mr. Sadleir,	
Mr. Morrice,	
Mr. R. Forster,	
Mr. Arnold,	

No. 5.

No. 5.

(Same Bill.)

Clause 5. The eighteenth section of the same Act with reference to the pre-payment of postage by means of stamps and to the providing of such stamps shall be extended so as to apply to Newspapers for the purposes of this Act. (Read.)

Motion made and Question put,—That the Clause, as read, stand part of the Bill.

(Mr. Eagar.)

Committee divided.

Ayes, 21.

Mr. Martin,	Mr. Allen,
Mr. W. Forster,	Mr. Morrice,
Mr. Eagar,	Mr. Harpur,
Mr. Wilson,	Mr. Hannell,
Mr. Holroyd,	Mr. Suttor,
Mr. Dalgleish,	Mr. Macleay,
Mr. Morris,	Mr. Gordon,
Mr. Piddington,	
Mr. Tighe,	<i>Tellers.</i>
Mr. Leary,	Mr. Buchanan,
Mr. Bell,	Mr. Macpherson.
Mr. Raper,	

Noes, 12.

Mr. Robertson,	<i>Tellers.</i>
Mr. Driver,	
Mr. Lucas,	Mr. Burns,
Mr. Egan,	Mr. Garrett.
Mr. Alexander,	
Mr. Caldwell,	
Mr. Terry,	
Mr. Dangar,	
Mr. Redman,	
Mr. Sadleir,	

No. 6.

(Same Bill.)

Clause 6. This Act shall be styled and may be cited as the "Newspaper Postage Act of 1864."

Motion made and Question put,—That the Clause, as read, stand part of the Bill.

(Mr. Eagar.)

Committee divided.

Ayes, 19.

Mr. Martin,	Mr. Raper,
Mr. W. Forster,	Mr. Allen,
Mr. Eagar,	Mr. Harpur,
Mr. Holroyd,	Mr. Suttor,
Mr. Wilson,	Mr. Macleay,
Mr. Buchanan,	Mr. Gordon,
Mr. Macpherson,	
Mr. Morris,	<i>Tellers.</i>
Mr. Piddington,	Mr. Leary,
Mr. Tighe,	Mr. Dalgleish.
Mr. Bell,	

Noes, 14.

Mr. Driver,	Mr. Morrice,
Mr. Robertson,	<i>Tellers.</i>
Mr. C. Cowper, junr.,	
Mr. Egan,	Mr. Lucas,
Mr. Burns,	Mr. Garrett.
Mr. Redman,	
Mr. Alexander,	
Mr. Terry,	
Mr. Dangar,	
Mr. Caldwell,	
Mr. R. Forster,	

No. 7.

(Same Bill.)

New Clause in substitution of Clause 3.

"So much of the tenth section of the Act of Council fifteenth Victoria number " twelve as is in any way inconsistent with this Act is hereby repealed.

(Read.)

Motion made and Question put,—That the proposed new Clause, as read, stand part of the Bill. (Mr. Eagar.)

Committee divided.

Ayes, 19.

Mr. Martin,	Mr. Raper,
Mr. W. Forster,	Mr. Allen,
Mr. Eagar,	Mr. Harpur,
Mr. Holroyd,	Mr. Suttor,
Mr. Wilson,	Mr. Macleay,
Mr. Dalgleish,	Mr. Gordon,
Mr. Macpherson,	
Mr. Morris,	<i>Tellers.</i>
Mr. Piddington,	Mr. Leary,
Mr. Tighe,	Mr. Buchanan.
Mr. Bell,	

Noes, 13.

Mr. Lucas,	<i>Tellers.</i>
Mr. Robertson,	
Mr. C. Cowper, junr.,	Mr. Egan,
Mr. Garrett,	Mr. Driver.
Mr. Burns,	
Mr. Redman,	
Mr. Alexander,	
Mr. Terry,	
Mr. Caldwell,	
Mr. Dangar,	
Mr. Sadleir,	

Bill reported with amendments.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 21.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

WEDNESDAY, 10 FEBRUARY, 1864.

No. 1.

COLONIAL SPIRITS DUTIES BILL.

SCHEDULE.

On Rum distilled within the Colony when made or distilled from Sugar which shall have paid Customs Duties—the proof gallon—Seven shillings and five-pence.

On Rum distilled within the Colony when made or distilled wholly or in any proportion exceeding ten per cent. of the whole from materials which are not subject to any duty of Customs—the proof gallon—Eight shillings.

On all other Spirits distilled within the Colony—the proof gallon—Ten shillings. Question proposed,—That the Schedule, as read, stand part of the Bill. (Mr. Eagar.)

Amendment proposed and Question put,—That the blank (Ten) in the last line, be filled by the word "Eight." (Mr. Garrett.)

Committee divided.

Ayes, 12.

Noes, 19.

Mr. Lucas,	
Mr. Morris,	<i>Tellers.</i>
Mr. Burdekin,	Mr. Garrett,
Mr. Sutherland,	Mr. Driver.
Mr. Egan,	
Mr. Terry,	
Mr. Burns,	
Mr. Cunneen,	
Mr. Stewart,	
Mr. Dangar,	

Mr. Martin,	Mr. Suttor,
Mr. W. Forster,	Mr. Gordon,
Mr. Eagar,	Mr. Macleay,
Mr. Holroyd,	Mr. Haworth,
Mr. Wilson,	Mr. Lackey,
Mr. Love,	Mr. Rusden,
Mr. Piddington,	
Mr. Redman,	<i>Tellers.</i>
Mr. Leary,	Mr. Buchanan,
Mr. Dalgleish,	Mr. Bell.
Mr. Milford,	

No. 2.

Motion made and Question put,—That the blank be filled by the word "Ten." (Mr. Eagar.)

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Committee

Committee divided.

Ayes, 18.

Mr. Martin,	Mr. Rusden,
Mr. W. Forster,	Mr. Bell,
Mr. Eagar,	Mr. Lackey,
Mr. Wilson,	Mr. Haworth,
Mr. Holroyd,	Mr. Macleay,
Mr. Dalglish,	Mr. Gordon,
Mr. Milford,	<i>Tellers.</i>
Mr. Suttor,	
Mr. Leary,	Mr. Buchanan,
Mr. Love,	Mr. Piddington.

Schedule, as amended, carried.

Bill reported with Amendments.

Noes, 14.

Mr. Egan,	Mr. C. Cowper, junr.,
Mr. Garrett,	Mr. Driver,
Mr. Sutherland,	<i>Tellers.</i>
Mr. Redman,	
Mr. Burns,	Mr. Burdekin,
Mr. Morris,	Mr. Lucas.
Mr. Cunneen,	
Mr. Terry,	
Mr. Stewart,	
Mr. Dangar,	

No. 3.

SUPPLY—SUPPLEMENTARY ESTIMATES FOR 1863.

*(Pensions.)*Question proposed,—That there be granted to Her Majesty, a sum not exceeding £96 0s. 7d., to defray Supplementary Charge for Pensions not provided for under Schedule B, for the Year 1863. (*Mr. Eagar.*)Amendment proposed and Question put,—That the item £43 17s. 11d., for Pension to H. Anderson, late Landing-Waiter, Customs, at £56 18s. per annum, from 24 March, be omitted. (*Mr. Dalglish.*)

Committee divided.

Ayes, 9.

Mr. Terry,
Mr. Cunneen,
Mr. Piddington,
Mr. Love,
Mr. Dalglish,
Mr. Sutherland,
Mr. Milford,

Tellers.

Mr. Driver,
Mr. Lucas.

Noes, 22.

Mr. Martin,	Mr. Haworth,
Mr. Eagar,	Mr. Weekes,
Mr. W. Forster,	Mr. Rusden,
Mr. Wilson,	Mr. Garrett,
Mr. Macpherson,	Mr. Lackey,
Mr. Holroyd,	Mr. Mate,
Mr. Redman,	Mr. Buchanan,
Mr. Morris,	Mr. Bell,
Mr. Stewart,	<i>Tellers.</i>
Mr. Burns,	
Mr. Gordon,	Mr. Egan,
Mr. Burdekin,	Mr. Dangar.

No. 4.

Original Question put.

Committee divided.

Ayes, 24.

Mr. Martin,	Mr. Dangar,
Mr. W. Forster,	Mr. Bell,
Mr. Eagar,	Mr. Gordon,
Mr. Holroyd,	Mr. Lackey,
Mr. Redman,	Mr. Rusden,
Mr. Wilson,	Mr. Macleay,
Mr. Macpherson,	Mr. Haworth,
Mr. Egan,	Mr. Weekes,
Mr. Milford,	Mr. Burdekin,
Mr. Morris,	<i>Tellers.</i>
Mr. Stewart,	
Mr. Mate,	Mr. Burns,
Mr. Garrett,	Mr. Buchanan.

Noes, 8.

Mr. Dalglish,
Mr. Piddington,
Mr. Sutherland,
Mr. Love,
Mr. Cunneen,
Mr. Terry,

Tellers.

Mr. Lucas,
Mr. Driver.

THURSDAY, 11 FEBRUARY, 1864.

No. 5.

SUPPLY—SUPPLEMENTARY ESTIMATES FOR 1863.

*(Registrar General.)*Question proposed,—That there be granted to Her Majesty, a sum not exceeding £1,209 7s. 6d., to defray Supplementary Charge for the Registrar General's Department, for the Year 1863. (*Mr. Eagar.*)Amendment proposed and Question put,—That the item £200, being for Registrar General £1,000 instead of £800, be omitted. (*Mr. Driver.*)

Committee divided.

Ayes, 23.

Mr. Driver,	Dr. Lang,
Mr. Morris,	Mr. Sutherland,
Mr. Mate,	Mr. Lucas,
Mr. Leary,	Mr. Tighe,
Mr. Piddington,	Mr. Gordon,
Mr. Terry,	Mr. Rusden,
Mr. Caldwell,	Mr. Lackey,
Mr. Love,	Mr. Macleay,
Mr. R. Forster,	<i>Tellers.</i>
Mr. Allen,	
Mr. Dangar,	Mr. Bell,
Mr. Stewart,	Mr. Dalglish.
Mr. Sadleir,	

Remaining items withdrawn.

Noes, 12.

Mr. Martin,	<i>Tellers.</i>
Mr. W. Forster,	
Mr. Wilson,	Mr. Milford,
Mr. Holroyd,	Mr. C. Cowper, junr.
Mr. Eagar,	
Mr. Macpherson,	
Mr. Egan,	
Mr. Garrett,	
Mr. Burdekin,	
Mr. Haworth,	

No. 6.

No. 6.

(Customs.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £911 16s. 3d. (being less than Estimate by £383 3s. 9d. withdrawn), to defray Supplementary charge for Allowance to Extra Tide-Waiters, further sum for the Year 1863. (*Mr. Eagar.*)

Committee divided.

Ayes, 27.

Mr. Martin,	Mr. Egan,
Mr. Eagar,	Mr. Dangar,
Mr. W. Forster,	Mr. Burns,
Mr. Holroyd,	Mr. Caldwell,
Mr. Wilson,	Mr. Terry,
Mr. Dalglish,	Mr. Gordon,
Mr. Love,	Mr. Macleay,
Mr. Macpherson,	Mr. Rusden,
Mr. Milford,	Mr. Haworth,
Mr. Bell,	Mr. Burdekin,
Mr. Lackey,	<i>Tellers.</i>
Mr. Piddington,	
Mr. Tighe,	Mr. Mate,
Mr. Alexander,	Mr. Leary.
Mr. R. Forster,	

Noes, 4.

Mr. Lucas,
Mr. Sutherland,
<i>Tellers.</i>
Mr. Garrett,
Mr. Driver.

No. 7.

(Post Office.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £6,604 14s. 5d., to defray Supplementary charge for Post Office, for the Year 1863. (*Mr. Eagar.*)

Amendment proposed and Question put,—That the item £35, for Secretary, £600 instead of £530 per annum, from 1 July, be omitted. (*Mr. Piddington.*)

Committee divided.

Ayes, 19.

Mr. Morris,	Mr. Stewart,
Mr. Driver,	Mr. Lackey,
Mr. Tighe,	Mr. Piddington,
Mr. Lucas,	Mr. Mate,
Mr. Leary,	Mr. Gordon,
Mr. Redman,	Mr. Macleay,
Mr. Burns,	<i>Tellers.</i>
Mr. Caldwell,	
Mr. Cunneen,	Mr. Bell,
Mr. Dangar,	Mr. Dalglish.
Mr. Sadleir,	

Noes, 14.

Mr. Martin,	Mr. Milford,
Mr. Holroyd,	Mr. Garrett,
Mr. W. Forster,	Mr. Burdekin,
Mr. Eagar,	Mr. Haworth,
Mr. Wilson,	<i>Tellers.</i>
Mr. C. Cowper, junr.,	
Mr. Alexander,	Mr. R. Forster,
Mr. Egan,	Mr. Macpherson.

Progress reported—to sit again.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 22.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

WEDNESDAY, 17 FEBRUARY, 1864.

No. 1.

SUPPLY—SUPPLEMENTARY ESTIMATES FOR 1863.

(Post Office.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £6,532 4s. 5d., to defray Supplementary Charge for Post Office for the year 1863 (*being less than Estimate by item £35 for Secretary, omitted, and item £37 10s. for Chief Clerk, withdrawn.*) (*Mr. Eagar.*)

Motion made and Question put,—That the item £557 10s., Allowances to Official Postmasters in lieu of House Rent, be postponed. (*Mr. Hart.*)
Committee divided.

Ayes, 15.

Mr. Martin,
Mr. W. Forster,
Mr. Eagar,
Mr. Wilson,
Mr. Lucas,
Mr. Macpherson,
Mr. Raper,
Mr. Allen,
Mr. Holroyd,
Mr. Macleay,
Mr. Rusden,
Mr. Suttor,
Mr. Stewart,

Tellers.

Mr. Redman,
Mr. Buchanan.

Noes, 27.

Mr. Driver,	Mr. Cowper,
Mr. Burdekin,	Mr. C. Cowper, junr.,
Mr. Smart,	Mr. Piddington,
Mr. Burns,	Dr. Lang,
Mr. Walker,	Mr. Morrice,
Mr. Alexander,	Mr. Tighe,
Mr. Mate,	Mr. Hannell,
Mr. Cunneen,	Mr. Weekes,
Mr. Dangar,	<i>Tellers.</i>
Mr. Harpur,	Mr. Garrett,
Mr. Terry,	Mr. Love.
Mr. Caldwell,	
Mr. Hart,	
Mr. Lackey,	
Mr. Haworth,	
Mr. Leary,	
Mr. Morris,	

No. 2.

Amendment proposed and Question put,—That the item £557 10s. be omitted.
(*Mr. Hart.*)

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Committee

Committee divided.

Ayes, 7.

Mr. Macleay,
Mr. Hart,
Mr. Lucas,
Mr. Dalgleish,
Mr. Leary,

Tellers.

Mr. Redman,
Mr. Buchanan.

Noes, 37.

Mr. Martin,	Mr. Lackey,
Mr. Eagar,	Mr. Caldwell,
Mr. W. Forster,	Mr. Raper,
Mr. Wilson,	Mr. Stewart,
Mr. Holroyd,	Mr. Allen,
Mr. Burdekin,	Mr. Piddington,
Mr. Love,	Mr. Haworth,
Mr. Smart,	Mr. Suttor,
Mr. Alexander,	Mr. Morris,
Mr. Mate,	Mr. Cowper,
Mr. Macpherson,	Mr. C. Cowper, junr.,
Mr. Dangar,	Dr. Lang,
Mr. Cunneen,	Mr. Morrice,
Mr. Garrett,	Mr. Tighe,
Mr. Rusden,	Mr. Hannell,
Mr. Weekes,	<i>Tellers.</i>
Mr. Walker,	
Mr. Harpur,	Mr. Driver,
Mr. Terry,	Mr. Burns.
Mr. Bell,	

No. 3.

And the Estimate having been further reduced in the following items:—£2,500, for Country Postmasters, by £280; £109 10s., Allowances, for Forage to Country Letter Carriers, by £36 10s.; and £100, for Forage Allowance to Postal Inspector, by £38 11s. 6d.

Amendment proposed and Question put,—That the item for Forage Allowance to Postal Inspector, from 1 May, be further reduced by £61 8s. (*Mr. Lucas.*)

Committee divided.

Ayes, 5.

Mr. Hart,
Mr. Raper,
Mr. Dangar,

Tellers.

Mr. Driver,
Mr. Lucas.

Noes, 25.

Mr. Martin,	Mr. Cunneen,
Mr. Eagar,	Mr. Mate,
Mr. W. Forster,	Mr. C. Cowper, junr.,
Mr. Holroyd,	Mr. Allen,
Mr. Wilson,	Mr. Morrice,
Mr. Smart,	Mr. Bell,
Mr. Buchanan,	Mr. Egan,
Mr. Piddington,	Mr. Stewart,
Mr. Burdekin,	Mr. Garrett,
Mr. Morris,	<i>Tellers.</i>
Mr. Redman,	
Mr. Milford,	Mr. Macpherson,
Mr. Leary,	Mr. Walker.
Mr. Harpur,	

Estimate, after further reduction (£6,053 12s. 11d.), carried.

No. 4.

(*Health Officers and Emigration Officer.*)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £298 14s. 2d., to defray Supplementary Charge for Health Officers and Emigration Officer, for the year 1863. (*Mr. Eagar.*)

Amendment proposed and Question put,—That the item £64 3s. 4d., for Health Officers and Emigration Officer, Port Jackson, £600 instead of £530 per annum, from 1 February, be omitted. (*Mr. Driver.*)

Committee divided.

Ayes, 6.

Mr. Cunneen,
Mr. Morrice,
Mr. Dangar,
Mr. Macleay,

Tellers.

Mr. Driver,
Mr. Lucas.

Noes, 20.

Mr. Martin,	Mr. Mate,
Mr. Eagar,	Mr. Allen,
Mr. W. Forster,	Mr. Stewart,
Mr. Wilson,	Mr. Garrett,
Mr. Holroyd,	Mr. Raper,
Mr. Smart,	Mr. Bell,
Mr. Burdekin,	Mr. Buchanan,
Mr. Egan,	<i>Tellers.</i>
Mr. C. Cowper, junr.,	
Mr. Milford,	Mr. Walker,
Mr. Redman,	Mr. Morris.

Original Estimate carried.

THURSDAY, 18 FEBRUARY, 1864.

No. 5.

SUPPLY—SUPPLEMENTARY ESTIMATES FOR 1863.

(*Miscellaneous—Lands.*)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £5,559 18s. 3d., to defray Supplementary Charge for Miscellaneous Services, for the year 1863. (*Mr. Wilson.*)

Amendment

Amendment proposed and Question put,—That the item £200, for the purchase of Camels at Twofold Bay, be omitted. (*Mr. Wilson.*)
Committee divided.

Ayes, 21.

Mr. Martin,	Mr. Sadleir,
Mr. Wilson,	Mr. Egan,
Mr. W. Forster,	Mr. Lucas,
Mr. Faucett,	Mr. Hart,
Mr. Holroyd,	Mr. Raper,
Mr. Dalgleish,	Mr. Suttor,
Mr. Macpherson,	Mr. Mate,
Mr. Terry,	
Mr. Eagar,	<i>Tellers.</i>
Mr. Tighe,	Mr. Leary,
Mr. Walker,	Mr. Hannell.
Mr. Lackey,	

Noes, 11.

Mr. Gordon,	<i>Tellers.</i>
Mr. Driver,	
Mr. Smart,	Mr. Cunneen,
Mr. Cowper,	Mr. Garrett.
Mr. Stewart,	
Mr. Lord,	
Mr. Dangar,	
Dr. Lang,	
Mr. Piddington,	

Estimate, as reduced (5,359 18s. 3d.), carried.

No. 6.

(*Miscellaneous—Public Works.*)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £1,225 0s. 9d., to defray Supplementary Charge for Miscellaneous Services for the Year 1863. (*Mr. Holroyd.*)

And the item £165 2s., for Expenses of the Board appointed to inquire into the Charges preferred against Mr. Nealds, Traffic Manager, Southern and Western Railway, having been postponed,—

Amendment proposed and Question put,—That the item £877 15s., Preliminary Expenses of the late Morpeth Railway Company, be omitted. (*Mr. Lucas.*)
Committee divided.

Ayes, 15.

Mr. Eagar,	Mr. Mate,
Mr. Martin,	Mr. Macleay,
Mr. W. Forster,	<i>Tellers.</i>
Mr. Macpherson,	
Mr. Walker,	Mr. Lucas,
Mr. Buchanan,	Mr. Dalgleish.
Mr. Lackey,	
Mr. Piddington,	
Mr. Hannell,	
Mr. Stewart,	
Mr. Bell,	

Noes, 9.

Mr. Holroyd,
Mr. Wilson,
Mr. Morris,
Mr. Garrett,
Mr. Robertson,
Mr. Sutherland,
Mr. C. Cowper, junr.,
<i>Tellers.</i>

Mr. Driver,
Mr. Redman.

Estimate, as reduced (£182 3s. 9d.), carried.

Progress reported—to sit again.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 23.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

THURSDAY, 25 FEBRUARY, 1864.

No. 1.

SUPPLY—AMENDED SUPPLEMENTARY ESTIMATE FOR 1863.

(Registrar General.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £4,415, to defray Supplementary Charge for Department of the Registrar General, for the year 1863. *(Mr. W. Forster.)*

Motion made and Question put,—That the item £50, for Compensation to Registrar General for losses by the wreck of the "City of Sydney," be omitted. *(Mr. R. Forster.)*

Committee divided.

Ayes, 11.

Mr. Arnold,
Mr. Redman,
Mr. Raper,
Mr. Terry,
Mr. Piddington,
Mr. Dangar,
Mr. Cunneen,
Mr. Tighe,
Mr. Lucas,

Tellers.

Mr. R. Forster,
Mr. Dalgleish.

Noes, 25.

Mr. Martin,	Mr. Rusden,
Mr. Eagar,	Mr. Harpur,
Mr. W. Forster,	Mr. C. Cowper, junr.,
Mr. Wilson,	Mr. Gordon,
Mr. Driver,	Mr. Morris,
Mr. Milford,	Mr. Allen,
Mr. Walker,	Mr. Bell,
Mr. Egan,	Mr. Weekes,
Mr. Garrett,	Mr. Macpherson,
Mr. Robertson,	<i>Tellers.</i>
Mr. Stewart,	Mr. Leary,
Mr. Lackey,	Mr. Buchanan.
Mr. Smart,	
Mr. Mate,	

Original Estimate carried.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 24.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

WEDNESDAY, 9 MARCH, 1864.

No. 1.

SUPPLY—ESTIMATES FOR 1864.

(Supplement to Schedule B.—Pensions.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £2,540 9s. 10d., to defray Pensions (Supplement to Schedule B) for the Year 1864. *(Mr. W. Forster.)*

Amendment proposed and Question put,—That the item £300, for William Bland, in consideration of Services rendered to the Public, be omitted. *(Mr. Piddington.)*

Committee divided.

Ayes, 15.

Mr. Wilson,	Mr. Macleay,
Mr. W. Forster,	<i>Tellers.</i>
Mr. Holroyd,	
Mr. Haworth,	Mr. Dalglish,
Mr. Holt,	Mr. Buchanan.
Mr. Piddington,	
Mr. Terry,	
Mr. Sadleir,	
Mr. Hart,	
Mr. Mate,	
Mr. Rusden,	
Mr. Gordon,	

Noes, 21.

Mr. Cowper,	Mr. Garrett,
Mr. Robertson,	Mr. Suttor,
Mr. Lucas,	Mr. Harpur,
Mr. Eagar,	Mr. Lackey,
Mr. Martin,	Mr. Stewart,
Mr. Allen,	Mr. Faucett,
Mr. Tighe,	Mr. Weekes,
Mr. Close,	<i>Tellers.</i>
Mr. Caldwell,	
Mr. Lord,	Mr. Burns,
Mr. Morris,	Mr. Milford.
Mr. Egan,	

Original Question carried.

No. 2.

(Legislative Council.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £5,923, to defray Salaries and Contingencies of the Legislative Council Department, for the Year 1864. *(Mr. W. Forster.)*

567—

Amendment

Amendment proposed and Question put,—That the item £1,200, for President, be reduced by £200. (*Mr. Piddington.*)
Committee divided.

Ayes, 17.

Mr. Dalgleish,	Mr. C. Cowper, junr.,
Mr. Robertson,	Mr. Mate,
Mr. Buchanan,	Mr. Rusden,
Mr. Piddington,	<i>Tellers.</i>
Mr. Tighe,	Mr. Burns,
Mr. Terry,	Mr. Garrett.
Mr. Sadleir,	
Mr. Allen,	
Mr. Lackey,	
Mr. Stewart,	
Mr. Dangar,	
Mr. Lucas,	

Noes, 21.

Mr. Martin,	Mr. Cowper,
Mr. Eagar,	Mr. Weekes,
Mr. W. Forster,	Mr. Haworth,
Mr. Wilson,	Mr. Holt,
Mr. Faucett,	Mr. Morris,
Mr. Macleay,	Mr. Milford,
Mr. Holroyd,	Mr. Raper,
Mr. Close,	<i>Tellers.</i>
Mr. Gordon,	Mr. Hart,
Mr. Caldwell,	Mr. Egan.
Mr. Lord,	
Mr. Suttor,	

No. 3.

Original Question stated.

Amendment proposed and Question put,—That the item £800, for Clerk of the Council, be reduced by £100. (*Mr. Terry.*)
Committee divided.

Ayes, 25.

Mr. Lucas,	Mr. Dangar,
Mr. Wilson,	Mr. Garrett,
Mr. Driver,	Mr. Alexander,
Mr. Dalgleish,	Mr. Sadleir,
Mr. Stewart,	Mr. Cummings.
Mr. Raper,	Mr. Lackey,
Mr. Piddington,	Mr. Rusden,
Mr. Love,	Mr. Buchanan,
Mr. Tighe,	Mr. Gordon,
Mr. Close,	<i>Tellers.</i>
Mr. Terry,	Mr. Leary,
Mr. Caldwell,	Mr. Burns.
Mr. Sutherland,	
Mr. Cunneen,	

Noes, 20.

Mr. Cowper,	Mr. Hart,
Mr. W. Forster,	Dr. Lang,
Mr. Martin,	Mr. Haworth,
Mr. Eagar,	Mr. Weekes,
Mr. Faucett,	<i>Tellers.</i>
Mr. Egan,	Mr. Samuel,
Mr. Holroyd,	Mr. Burdekin.
Mr. Smart,	
Mr. Robertson,	
Mr. Suttor,	
Mr. C. Cowper, junr.,	
Mr. Mate,	
Mr. Harpur,	
Mr. Morris,	

No. 4.

Question, as amended, stated.

Amendment proposed and Question put,—That the reduced item £700, for Clerk of the Council, be further reduced by £140. (*Mr. Cunneen.*)
Committee divided.

Ayes, 11.

Mr. Dalgleish,
Mr. Piddington,
Mr. Love,
Mr. Burns,
Mr. Cunneen,
Mr. Terry,
Mr. Dangar,
Mr. Sutherland,
Mr. Garrett,
<i>Tellers.</i>
Mr. Lucas,
Mr. Driver

Noes, 31.

Mr. Martin,	Mr. Caldwell,
Mr. W. Forster,	Mr. Cowper,
Mr. Wilson,	Mr. C. Cowper, junr.,
Mr. Robertson,	Mr. Weekes,
Mr. Eagar,	Mr. Haworth,
Mr. Egan,	Mr. Harpur,
Mr. Holroyd,	Dr. Lang,
Mr. Close,	Mr. Hart,
Mr. Samuel,	Mr. Morris,
Mr. Smart,	Mr. Mate,
Mr. Burdekin,	Mr. R. Forster,
Mr. Tighe,	Mr. Raper,
Mr. Alexander,	<i>Tellers.</i>
Mr. Lackey,	Mr. Rusden,
Mr. Sadleir,	Mr. Gordon.
Mr. Suttor,	
Mr. Buchanan,	

No. 5.

Question, as amended, stated.

Amendment proposed and Question put,—That the item £500, for Clerk Assistant, be reduced by £75. (*Mr. Cunneen.*)
Committee divided.

Ayes, 10.

Mr. Dalgleish,
Mr. Lucas,
Mr. Love,
Mr. Piddington,
Mr. Burns,
Mr. Cunneen,
Mr. Dangar,
Mr. Garrett,
<i>Tellers.</i>
Mr. Redman,
Mr. Driver.

Noes, 28.

Mr. Martin,	Mr. Raper,
Mr. W. Forster,	Mr. C. Cowper, junr.,
Mr. Eagar,	Mr. Lackey,
Mr. Cowper,	Mr. Morris,
Mr. J. T. Ryan,	Mr. Mate,
Mr. Wilson,	Mr. Hart,
Mr. Milford,	Mr. R. Forster,
Mr. Rusden,	Mr. Haworth,
Mr. Holroyd,	Mr. Egan,
Mr. Gordon,	Mr. Buchanan,
Mr. Suttor,	Mr. Macleay,
Mr. Alexander,	<i>Tellers.</i>
Mr. Caldwell,	Mr. Leary,
Mr. Sadleir,	Mr. Burdekin.
Mr. Close,	

And the Committee having continued to sit until after Midnight:—

THURSDAY,

THURSDAY, 10 MARCH, 1864. A.M.

No. 6.

Question, as amended, stated.

Amendment proposed and Question put,—That the item £500, for Clerk Assistant, be reduced by the sum of £30. (*Mr. Burns.*)

Committee divided.

Ayes, 13.

Mr. Burns,
Mr. Lucas,
Mr. Love,
Mr. Piddington,
Mr. Dalgleish,
Mr. Raper,
Mr. Cunneen,
Mr. Dangar,
Mr. Caldwell,
Mr. Sadleir,
Mr. Garrett,

Tellers.

Mr. Driver,
Mr. Redman.

Noes, 25.

Mr. Martin,
Mr. W. Forster,
Mr. Holroyd,
Mr. Eagar,
Mr. Robertson,
Mr. Wilson,
Mr. Egan,
Mr. Close,
Mr. C. Cowper, junr.,
Mr. J. T. Ryan,
Mr. Milford,
Mr. Walker,
Mr. Mate,
Mr. Lackey,
Mr. R. Forster,

Mr. Leary,
Mr. Buchanan,
Mr. Suttor,
Mr. Haworth,
Mr. Gordon,
Mr. Busden,
Mr. Morris,
Mr. Bell,

Tellers.

Mr. Burdekin,
Mr. Alexander.

No. 7.

Question, as amended, stated.

Amendment proposed and Question put,—That the item £250, for Third Clerk, be omitted. (*Mr. Piddington.*)

Committee divided.

Ayes, 13.

Mr. Driver,
Mr. Redman,
Mr. Burns,
Mr. Lucas,
Mr. Raper,
Mr. Cunneen,
Mr. Love,
Mr. Walker,
Mr. Garrett,
Mr. Dangar,
Mr. Morris,

Tellers.

Mr. Dalgleish,
Mr. Piddington.

Noes, 24.

Mr. Martin,
Mr. W. Forster,
Mr. Holroyd,
Mr. Eagar,
Mr. Robertson,
Mr. Wilson,
Mr. Close,
Mr. C. Cowper, junr.,
Mr. J. T. Ryan,
Mr. Bell,
Mr. Alexander,
Mr. Milford,
Mr. Mate,
Mr. Caldwell,
Mr. Lackey,

Mr. R. Forster,
Mr. Leary,
Mr. Buchanan,
Mr. Suttor,
Mr. Haworth,
Mr. Gordon,
Mr. Rusden,

Tellers.

Mr. Burdekin,
Mr. Egan.

No. 8.

Question, as amended, stated.

Amendment proposed and Question put,—That the item £175, for Extra Clerical Assistance, be omitted. (*Mr. Cunneen.*)

Committee divided.

Ayes, 19.

Mr. Milford,
Mr. Driver,
Mr. Redman,
Mr. Lucas,
Mr. Burns,
Mr. Piddington,
Mr. Cunneen,
Mr. Raper,
Mr. R. Forster,
Mr. Mate,
Mr. Suttor,

Mr. Alexander,
Mr. Dangar,
Mr. Leary,
Mr. Buchanan,
Mr. Garrett,
Mr. Lackey,

Tellers.

Mr. Dalgleish,
Mr. Walker.

Noes, 16.

Mr. Martin,
Mr. W. Forster,
Mr. Eagar,
Mr. Wilson,
Mr. Robertson,
Mr. Egan,
Mr. Close,
Mr. Holroyd,
Mr. J. T. Ryan,
Mr. Bell,
Mr. Morris,

Mr. Burdekin,
Mr. Haworth,
Mr. C. Cowper, junr.,

Tellers.

Mr. Rusden,
Mr. Gordon.

Estimate, as further amended (£5,648), carried.
Progress reported—to sit again.

THURSDAY, 10 MARCH, 1864. P.M.

SUPPLY—ESTIMATES FOR 1864.

No. 9.

(*Military Allowances.*)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £15,307, to defray Military Allowances for the Year 1864. (*Mr. W. Forster.*)
And the Estimate having been reduced by £3,000 for Infantry, and £4,000 for Artillery,—

Question put,—That there be granted to Her Majesty, a sum not exceeding £8,307, to defray Military Allowance for the Year 1864.

Committee

Committee divided.

Ayes, 32.

Mr. Holroyd,	Mr. Leary,
Mr. Martin,	Mr. Burns,
Mr. Eagar,	Mr. Suttor,
Mr. W. Forster,	Mr. R. Forster,
Mr. Wilson,	Mr. Raper,
Mr. Darvall,	Mr. Rusden,
Mr. Walker,	Mr. Gordon,
Mr. Piddington,	Mr. Mate,
Mr. Close,	Mr. Haworth,
Mr. Terry,	Mr. Macleay,
Mr. Caldwell,	Mr. Weekes,
Mr. Tighe,	Mr. Buchanan,
Mr. Stewart,	Mr. Burdekin,
Mr. Cummings,	<i>Tellers.</i>
Mr. Sadleir,	Mr. Hart,
Mr. Cunneen,	Mr. Morris.
Mr. Dangar,	

Noes, 7.

Mr. Driver,
Mr. Lucas,
Mr. C. Cowper, junr.,
Dr. Lang,
Mr. Sutherland,
Tellers.
Mr. Garrett,
Mr. Dalgleish.

Progress reported—to sit again.

FRIDAY, 11 MARCH, 1864.

No. 10.

SEAMENS LAWS AMENDMENT AND CONSOLIDATION BILL.
(*Consideration of Legislative Council's Amendments.*)

Clause 20. In cases where several Intercolonial ships belong to the same owner the agreement with the seamen may notwithstanding anything herein contained be made by the owner instead of by the master and the seamen may be engaged to serve in any two or more of such ships Provided that the "names" of the "ships" and of the "master" and the nature of the service are specified in the agreement Provided also that with the foregoing exception all provisions herein contained which relate to ordinary agreements for Intercolonial ships shall be applicable to agreements made in pursuance of this section Provided further that no seaman having served in any ship which shall have entered any port of the Colony on completion of a voyage shall be compellable under any engagement or agreement to go on board any other ship until after the expiration of twenty-four hours from the completion of such voyage (*Read.*)

Motion made and Question put,—That the Committee disagrees to the Council's amendment to omit the words "and of the master." (*Mr. Dalgleish.*)

Committee divided.

Ayes, 18.

Mr. Martin,	Mr. Dangar,
Mr. Wilson,	Mr. Leary,
Mr. Eagar,	Mr. Gordon,
Mr. Morris,	Mr. Burns,
Mr. Macpherson,	Mr. Close,
Mr. Driver,	Mr. Garrett,
Mr. Darvall,	<i>Tellers.</i>
Dr. Lang,	
Mr. Sutherland,	Mr. Tighe,
Mr. Stewart,	Mr. Dalgleish.

Noes, 6.

Mr. W. Forster,
Mr. Shepherd,
Mr. Sadleir,
Mr. Terry,
Tellers.
Mr. Piddington,
Mr. Cummings.

And the Committee having agreed to the addition of the letter "s" to the words "name" and "ship," added the letter "s" to the word "master" as a consequential amendment.

Clause, as amended, agreed to.

No. 11.

PUBLIC SERVICE SUPERANNUATION BILL.

Clause 5. Any retiring allowance to which an officer may be entitled from the "Superannuation Fund" in accordance with the two preceding clauses may at the option of such officer be commuted for such a gross payment not exceeding *seven* years purchase as may be considered a fair equivalent by the Governor with the advice aforesaid Provided that in the opinion and on the report of the Commissioners hereinafter mentioned the state of the fund will admit of such payment. (*Read.*)

Motion made and Question put,—That the clause, as read, stand part of the Bill. (*Mr. Cowper.*)

Committee

Committee divided.

Ayes, 20.		Noes, 9.
Mr. Holroyd,	Mr. Mate,	Mr. Sutherland,
Mr. W. Forster,	Mr. Gordon,	Mr. Terry,
Mr. Eagar,	Mr. Suttor,	Mr. Piddington,
Mr. Lucas,	Mr. Close,	Mr. Rusden,
Mr. Wilson,	Mr. Macpherson,	Mr. Burns,
Mr. Egan,	Mr. Cowper,	Mr. Tighe,
Mr. Allen,	Mr. Garrett,	Mr. Stewart,
Mr. Sadleir,	<i>Tellers.</i>	<i>Tellers.</i>
Mr. Dangar,		
Mr. Cummings,	Mr. Leary,	Mr. Driver,
Mr. Caldwell,	Mr. Morris.	Mr. Dalglish.

No. 12.

(*Same Bill.*)

Clause 9. Upon the death of any officer while in the service of the Government his widow shall be entitled to "receive" during her widowhood an allowance equal to two-third parts of the allowance which might have been granted to her husband under this Act according to his service and rate of pay at the time of his death or if he leaves no widow his children if "any" or otherwise any other relations of such officer to be named by him or if not so named then at the discretion of the Governor with the advice aforesaid shall be entitled to a gratuity not exceeding two months pay for every three years of service of such officer. (*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill. (*Mr. Cowper.*)

Amendment proposed,—That all the words after the word "receive" down to the word "any" inclusive, be omitted with the view of inserting the words "the total amount contributed by such officer to the Superannuation Fund under this Act or if he leave no widow then his children if any or any person or persons he may name shall be so entitled in equal shares." (*Mr. Leary.*)

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

Committee divided.

Ayes, 18.		Noes, 10.
Mr. Cowper,	Mr. Sadleir,	Mr. Wilson,
Mr. Macpherson,	Mr. Stewart,	Mr. Bell,
Mr. Allen,	Mr. Sutherland,	Mr. Redman,
Mr. Morris,	Mr. Driver,	Mr. Eagar,
Mr. Lucas,	Mr. Garrett,	Mr. Holroyd,
Mr. Cummings,	Mr. Suttor,	Mr. W. Forster,
Mr. Mate,	<i>Tellers.</i>	Mr. Burns,
Mr. Weekes,		Mr. Dalglish,
Mr. Dangar,	Mr. Burdekin,	<i>Tellers.</i>
Mr. Harpur,	Mr. Tighe.	Mr. Cunneen,
		Mr. Leary.

No. 13.

(*Same Clause.*)

Clause, as read, put.

Committee divided.

Ayes, 21.		Noes, 8.
Mr. Cowper,	Mr. Suttor,	Mr. Holroyd,
Mr. Macpherson,	Mr. Burdekin,	Mr. Burns,
Mr. Lucas,	Mr. Sutherland,	Mr. Eagar,
Mr. Tighe,	Mr. Bell,	Mr. Redman,
Mr. Cummings,	Mr. Driver,	Mr. W. Forster,
Mr. Mate,	Mr. Wilson,	Mr. Piddington,
Mr. Weekes,	Mr. Garrett,	<i>Tellers.</i>
Mr. Dangar,	<i>Tellers.</i>	
Mr. Harpur,		Mr. Leary,
Mr. Cunneen,	Mr. Morris,	Mr. Dalglish.
Mr. Sadleir,	Mr. Allen.	
Mr. Stewart,		

No. 14.

(*Same Bill.*)

Clause 14. To provide for the interval during which the contributions of public officers towards the fund established by this Act will be insufficient to meet the requirements of this Act there shall be appropriated in aid of the "Superannuation Fund" out of the Consolidated Revenue Fund a sum not exceeding ten thousand pounds. (*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill. (*Mr. Cowper.*)

Amendment proposed and Question put,—That there be added at the end of the clause the words, "in full satisfaction of any claim for Pensions or retiring Allowances by the Civil Servants of the Crown." (*Mr. Eagar.*)

Committee

Committee divided.

Ayes, 11.

Mr. W. Forster,	Mr. Sutherland,
Mr. Eagar,	Mr. Bell,
Mr. Piddington,	<i>Tellers.</i>
Mr. Tighe,	
Mr. Burns,	Mr. Leary,
Mr. Sadleir,	Mr. Dalgleish.
Mr. Stewart,	

Noes, 14.

Mr. Cowper,	Mr. Harpur,
Mr. Morris,	Mr. Dangar,
Mr. Redman,	Mr. Suttor,
Mr. Garrett,	Mr. Wilson,
Mr. Cunneen,	<i>Tellers.</i>
Mr. Driver,	
Mr. Allen,	Mr. Macpherson,
Mr. Mate,	Mr. Lucas.

Clause, as read, carried.

Bill reported with Amendments. Recommended, for reconsideration of clause 14, and again reported with a further Amendment.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 25.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

WEDNESDAY, 16 MARCH, 1864.

No. 1.

SUPPLY—ESTIMATES FOR 1864.

(Police.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £189,101, to defray Salaries and Contingencies for Police, for the Year 1864 (being less than Estimate by £1,500 from item £3,000, for Inspectors, withdrawn;—by item £350, for Superintendent of Detectives, withdrawn;—by items £19,220 and £15,677, for Police Magistrates and Police Clerks and Clerks of Petty Sessions, postponed;—and by £5,000 from item £25,000, for Forage, withdrawn). *(Mr. W. Forster.)*

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £169,101, to defray Salaries and Contingencies for Police, for the Year 1864. *(Mr. Lucas.)*

Committee divided.

Ayes, 14.

Mr. Lucas,	Mr. Morris,
Mr. Burns,	<i>Tellers.</i>
Mr. Raper,	Mr. R. Forster,
Mr. Buchanan,	Mr. Leary.
Mr. Piddington,	
Mr. Driver,	
Mr. Cunneen,	
Mr. Cummings,	
Mr. Emanuel,	
Mr. Sadleir,	
Mr. Dangar,	

Noes, 19.

Mr. Martin,	Mr. Suttor,
Mr. Holroyd,	Mr. Tighe,
Mr. W. Forster,	Mr. Gordon.
Mr. Wilson,	Mr. Bell,
Mr. Redman,	Mr. Egan,
Mr. Eagar,	Mr. Garrett,
Mr. Arnold,	<i>Tellers.</i>
Mr. Hannell,	Mr. Burdekin,
Mr. Mate,	Mr. Dalgleish.
Mr. Walker,	
Mr. Harpur,	

And the Committee continuing to sit until after Midnight :—

THURSDAY, 17 MARCH, 1864, A.M.

No. 2.

Original Question stated.

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £174,101, to defray Salaries and Contingencies for Police, for the Year 1864. (*Mr. Burns.*)

Committee divided.

Ayes, 15.

Mr. Leary,	Mr. Burdekin,
Mr. Buchanan,	Mr. Morris,
Mr. Raper,	Mr. R. Forster,
Mr. Piddington,	<i>Tellers.</i>
Mr. Driver,	
Mr. Emanuel,	Mr. Lucas,
Mr. Cunneen,	Mr. Burns.
Mr. Sadleir,	
Mr. Cummings,	
Mr. Walker,	

Noes, 18.

Mr. Martin,	Mr. Mate,
Mr. Wilson,	Mr. Dangar,
Mr. W. Forster,	Mr. Harpur,
Mr. Eagar,	Mr. Suttor,
Mr. Holroyd,	Mr. Gordon,
Mr. Redman,	Mr. Bell,
Mr. Arnold,	<i>Tellers.</i>
Mr. Dalgleish,	
Mr. Hannell,	Mr. Egan,
Mr. Tighe,	Mr. Garrett.

No. 3.

Original Question stated.

Motion made and Question put,—That the Chairman do now leave the Chair and report progress. (*Mr. Leary.*)

Ayes, 6.

Mr. Morris,
Mr. Leary,
Mr. Cunneen,
Mr. Driver,
<i>Tellers.</i>
Mr. Lucas,
Mr. Buchanan.

Noes, 21.

Mr. Martin,	Mr. Dangar,
Mr. W. Forster,	Mr. Cummings,
Mr. Wilson,	Mr. Suttor,
Mr. Holroyd,	Mr. Bell,
Mr. Eagar,	Mr. Gordon,
Mr. Arnold,	Mr. Burdekin,
Mr. Garrett,	Mr. Egan,
Mr. Walker,	<i>Tellers.</i>
Mr. Sadleir,	
Mr. Emanuel,	Mr. Dalgleish,
Mr. Mate,	Mr. R. Forster.
Mr. Burns,	

No. 4.

Original Question stated.

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £179,101, to defray Salaries and Contingencies for Police, for the Year 1864. (*Mr. Lucas.*)

Committee divided.

Ayes, 13.

Mr. Burns,	Mr. Dangar,
Mr. Buchanan,	Mr. Driver,
Mr. Leary,	Mr. Morris,
Mr. Cummings,	<i>Tellers.</i>
Mr. Cunneen,	
Mr. Emanuel,	Mr. R. Forster,
Mr. Walker,	Mr. Lucas.
Mr. Sadleir,	

Noes, 14.

Mr. Martin,	Mr. Mate,
Mr. W. Forster,	Mr. Suttor,
Mr. Wilson,	Mr. Bell,
Mr. Holroyd,	Mr. Gordon,
Mr. Eagar,	<i>Tellers.</i>
Mr. Dalgleish,	
Mr. Arnold,	Mr. Burdekin,
Mr. Garrett,	Mr. Egan.

No. 5.

Original Question stated.

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £180,101, to defray Salaries and Contingencies for Police, for the Year 1864. (*Mr. Buchanan.*)

Committee divided.

Ayes, 3.

Mr. Driver,
<i>Tellers.</i>
Mr. Leary,
Mr. Burns.

Noes, 16.

Mr. Martin,	Mr. R. Forster,
Mr. W. Forster,	Mr. Mate,
Mr. Wilson,	Mr. Gordon,
Mr. Eagar,	Mr. Bell,
Mr. Holroyd,	Mr. Burdekin,
Mr. Dalgleish,	<i>Tellers.</i>
Mr. Egan,	
Mr. Arnold,	Mr. Suttor,
Mr. Garrett,	Mr. Morris.

And there appearing by the Tellers lists to be only nineteen Members present,—
the Chairman left the Chair to report the same to the House.

* * * * *

Committee resumed.

No. 6.

No. 6.

Question again put,—That there be granted to Her Majesty, a sum not exceeding £180,101, to defray Salaries and Contingencies for Police for the Year 1864. Committee divided.

Ayes, 7.

Mr. Lucas,
Mr. Burns,
Mr. Driver,
Mr. Buchanan,
Mr. Cunneen,

Tellers.

Mr. Leary,
Mr. Emanuel.

Noes, 16.

Mr. Martin,	Mr. Garrett,
Mr. W. Forster,	Mr. Mate,
Mr. Wilson,	Mr. Gordon,
Mr. Eagar,	Mr. Bell,
Mr. Holroyd,	Mr. Burdekin,
Mr. Dalglish,	<i>Tellers.</i>
Mr. Egan,	Mr. Suttor,
Mr. Arnold,	Mr. Morris.
Mr. R. Forster,	

No. 7.

Original Question stated.

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £182,000, to defray Salaries and Contingencies for Police, for the Year 1864. (*Mr. Cunneen.*) Committee divided.

Ayes, 8.

Mr. Burns,	<i>Tellers.</i>
Mr. Cummings,	
Mr. Driver,	Mr. Leary,
Mr. Dangar,	Mr. Lucas.
Mr. Buchanan,	
Mr. Cunneen,	

Noes, 16.

Mr. Martin,	Mr. Gordon,
Mr. W. Forster,	Mr. Bell,
Mr. Wilson,	Mr. Burdekin,
Mr. Eagar,	Mr. Morris,
Mr. Holroyd,	Mr. Suttor,
Mr. Dalglish,	<i>Tellers.</i>
Mr. Egan,	Mr. Garrett,
Mr. Arnold,	Mr. R. Forster.
Mr. Mate,	

No. 8.

Original Question put.
Committee divided.

Ayes, 18.

Mr. Martin,	Mr. Dangar,
Mr. W. Forster,	Mr. Garrett,
Mr. Holroyd,	Mr. Gordon,
Mr. Eagar,	Mr. Suttor,
Mr. Dalglish,	Mr. Burdekin,
Mr. Egan,	Mr. Wilson.
Mr. Bell,	<i>Tellers.</i>
Mr. Leary,	Mr. R. Forster,
Mr. Arnold,	Mr. Burns.
Mr. Mate,	

Noes, 6.

Mr. Buchanan,
Mr. Cummings,
Mr. Cunneen,
Mr. Morris,
<i>Tellers.</i>
Mr. Driver,
Mr. Lucas.

Progress reported—to sit again.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 26.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 23 MARCH, 1864.

No. 1.

SUPPLY—ESTIMATES FOR 1864.

(Registrar General.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £12,125, to defray Salaries and Contingencies of the Registrar General's Department, for the Year 1864 (being less than Estimate by item £2,000, to remunerate Collectors of Statistics of Agriculture and Live Stock, withdrawn).

(Mr. W. Forster.)

Motion made and Question put,—That the item £800, for Registrar General, be reduced by £100. *(Mr. R. Forster.)*

Committee divided.

Ayes, 11.

Mr. Dalgleish,
Mr. R. Forster,
Mr. Driver,
Mr. Stewart,
Mr. Raper,
Mr. Hannell,
Mr. Lucas,
Mr. Sutherland,
Mr. Cunneen,

Tellers.

Mr. Piddington,
Mr. Milford.

Noes, 31.

Mr. Martin,	Mr. Morrice,
Mr. Faucett,	Mr. Lackey,
Mr. W. Forster,	Mr. Redman,
Mr. Holroyd,	Dr. Lang,
Mr. Haworth,	Mr. Bell,
Mr. Smart,	Mr. Macleay,
Mr. Cowper,	Mr. Buchanan,
Mr. Eagar,	Mr. Tighe,
Mr. Cummings,	Mr. Weekes,
Mr. Leary,	Mr. Burns,
Mr. Burdekin,	Mr. Gordon,
Mr. Alexander,	Mr. Wilson,
Mr. Sadleir,	Tellers.
Mr. Dangar,	Mr. Egan,
Mr. Morris,	Mr. Hart.
Mr. Mate,	
Mr. Garrett,	

No. 2.

Original Question stated.
Debate ensued.

And the Committee continuing to sit until after Midnight,—

THURSDAY, 24 MARCH, 1864, A.M.

Motion made and Question put,—That the item £2,000, for Examiner of Titles, be reduced by £400. (*Mr. Piddington.*)

Committee divided.

Ayes, 16.

Mr. Piddington,	Mr. Morrice,
Mr. Burns,	Mr. Bell,
Mr. Driver,	Mr. Mate,
Mr. Lucas,	Mr. Macleay,
Mr. Dangar,	Mr. Stewart,
Mr. Redman,	
Mr. Hannell,	<i>Tellers.</i>
Dr. Lang,	Mr. Milford,
Mr. R. Forster,	Mr. Dalglish.

Noes, 16.

Mr. Martin,	Mr. Smart,
Mr. Holroyd,	Mr. Sutherland,
Mr. W. Forster,	Mr. Morris,
Mr. Eagar,	Mr. Buchanan,
Mr. Wilson,	Mr. Cummings.
Mr. Alexander,	
Mr. Burdekin,	<i>Tellers.</i>
Mr. Cowper,	Mr. Hart,
Mr. Garrett,	Mr. Egan.

The numbers being equal, the Chairman gave his casting vote with the Ayes.

No. 3.

Question, as reduced, stated.

Motion made and Question put,—That the item £600, for Chief Draftsman, be reduced by £100. (*Mr. Piddington.*)

Committee divided.

Ayes, 8.

Mr. Piddington,	
Mr. Lucas,	<i>Tellers.</i>
Mr. Cunneen,	Mr. Redman,
Mr. Morrice,	Mr. Dalglish.
Mr. Stewart,	
Mr. Sutherland,	

Noes, 16.

Mr. Martin,	Mr. Garrett,
Mr. Holroyd,	Mr. Morris,
Mr. W. Forster,	Mr. Dangar,
Mr. Eagar,	Mr. Mate,
Mr. Wilson,	Mr. Buchanan,
Mr. Bell,	
Mr. Driver,	<i>Tellers.</i>
Mr. Burdekin,	Mr. R. Forster,
Mr. Cummings,	Mr. Burns.

No. 4.

Question, as reduced, stated.

Motion made and Question put,—That the item £200, for Assistant Draftsman, be omitted. (*Mr. Piddington.*)

Committee divided.

Ayes, 14.

Mr. Piddington,	Mr. Sutherland,
Mr. Burns,	Mr. Cummings,
Mr. Lucas,	Mr. Mate,
Mr. Driver,	Mr. Dangar,
Mr. Cunneen,	
Mr. R. Forster,	<i>Tellers.</i>
Mr. Morrice,	Mr. Redman,
Mr. Stewart,	Mr. Dalglish.

Noes, 10.

Mr. Martin,	<i>Tellers.</i>
Mr. W. Forster,	
Mr. Eagar,	Mr. Burdekin,
Mr. Wilson,	Mr. Garrett.
Mr. Holroyd,	
Mr. Bell,	
Mr. Morris,	
Mr. Buchanan,	

No. 5.

Question, as further reduced, stated.

Motion made and Question put,—That the item £300, for Clerk, be omitted. (*Mr. Piddington.*)

Committee divided.

Ayes, 11.

Mr. Redman,	Mr. Mate,
Mr. Burns,	
Mr. Lucas,	<i>Tellers.</i>
Mr. R. Forster,	Mr. Piddington,
Mr. Cunneen,	Mr. Dalglish.
Mr. Sutherland,	
Mr. Stewart,	
Mr. Morrice,	

Noes, 13.

Mr. Martin,	Mr. Garrett,
Mr. W. Forster,	Mr. Dangar,
Mr. Wilson,	Mr. Buchanan,
Mr. Holroyd,	
Mr. Eagar,	<i>Tellers.</i>
Mr. Bell,	Mr. Cummings,
Mr. Burdekin,	Mr. Driver.
Mr. Morris,	

No. 6.

Question, as reduced, stated.

Amendment proposed,—That the item £275, for Clerk, be omitted. (*Mr. Redman.*)

Motion made and Question put,—That the Chairman report progress, and ask leave to sit again to-morrow. (*Mr. Garrett.*)

Committee divided.

Ayes, 4.

Mr. Lucas,
Mr. Morris,
<i>Tellers.</i>
Mr. Redman,
Mr. Garrett.

Noes, 17.

Mr. Martin,	Mr. Stewart,
Mr. W. Forster,	Mr. Mate,
Mr. Eagar,	Mr. Bell,
Mr. Wilson,	Mr. Buchanan,
Mr. Driver,	Mr. Holroyd,
Mr. Burns,	
Mr. R. Forster,	<i>Tellers.</i>
Mr. Cunneen,	Mr. Piddington,
Mr. Morrice,	Mr. Dalglish.
Mr. Dangar,	

Attention having been called to the state of the Committee, the Chairman counted, and finding no Quorum, left the Chair to report the same to the House.

THURSDAY,

THURSDAY, 24 MARCH, 1864, P.M.

No. 7.

SUPPLY—ESTIMATES FOR 1864.

(Grants in Aid of Public Institutions.)

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £200, to defray Grants in Aid of Public Institutions (being less than Estimate by £2,725, proposed to be withdrawn.) (Mr. W. Forster.)

Committee divided.

Ayes, 10.

Mr. Martin,
Mr. Eagar,
Mr. Wilson,
Mr. W. Forster,
Mr. Holroyd,
Mr. Gordon,
Mr. Buchanan,
Mr. Macleay,

Tellers.

Mr. Bell,
Mr. Leary.

Noes, 21.

Mr. Morris,
Mr. Robertson,
Mr. Garrett,
Mr. Driver,
Mr. Darvall,
Mr. Milford,
Mr. R. Forster,
Mr. Redman,
Mr. Cummings,
Mr. Stewart,
Mr. Sutherland,
Mr. Terry,

Mr. Sadleir,
Mr. Morrice,
Mr. Dangar,
Mr. Tighe,
Mr. Mate,
Mr. Burns,
Dr. Lang,

Tellers.

Mr. Love,
Mr. Lucas.

No. 8.

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £2,925, to defray Grants in Aid of Public Institutions. (Mr. Burns.)

And a Question of Order having been raised against the admission, by the Chairman, of this Motion, on the grounds that it was not competent for a private Member to move an Estimate, or Items of an Estimate, which the Government declined to propose.

Motion made and Question put,—That the Chairman do now leave the Chair, report Progress, also report the Point of Order, and ask leave to sit again at a later hour. (Mr. W. Forster.)

Committee divided.

Ayes, 24.

Mr. Martin,
Mr. Eagar,
Mr. Wilson,
Mr. W. Forster,
Mr. Holroyd,
Mr. Robertson,
Mr. Darvall,
Mr. Leary,
Dr. Lang,
Mr. Gordon,
Mr. Redman,
Mr. Cummings,
Mr. Bell,

Mr. Buchanan,
Mr. Tighe,
Mr. Stewart,
Mr. Piddington,
Mr. Morrice,
Mr. Mate,
Mr. Macleay,
Mr. Morris,
Mr. Macpherson,

Tellers.

Mr. R. Forster,
Mr. Milford.

Noes, 10.

Mr. Egan,
Mr. Dalgleish,
Mr. Love,
Mr. Sutherland,
Mr. Terry,
Mr. Sadleir,
Mr. Dangar,
Mr. Burns,

Tellers.

Mr. Driver,
Mr. Lucas.

Committee resumed.

Question,—That a sum not exceeding £2,925 be granted, put and carried.
Progress reported—to sit again.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 27.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

WEDNESDAY, 30 MARCH, 1864.

No. 1.

SUPPLY—ESTIMATES FOR 1864.

(Customs.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £22,962, to defray Salaries and Contingencies of the Customs for the Year 1864 (being less than Estimate by £60, withdrawn from proposed salary for Second Landing Surveyor). (*Mr. Eagar.*)

Motion made and Question put,—That the item £900, for Collector, be reduced by £100. (*Mr. Lucas.*)

Committee divided.

Ayes, 3.

Mr. Lucas,
Tellers.
Mr. Dagleish,
Mr. Driver.

Noes, 30.

Mr. Martin,	Mr. Macpherson,
Mr. Wilson,	Mr. Stewart,
Mr. W. Forster,	Mr. Garrett,
Mr. Eagar,	Mr. Allen,
Mr. Robertson,	Mr. Caldwell,
Mr. Faucett,	Mr. Morrice,
Mr. Holroyd,	Mr. Mate,
Mr. Egan,	Mr. Hart,
Mr. Alexander,	Mr. Piddington,
Mr. Cummings,	Mr. Bell,
Mr. Morris,	Mr. Gordon,
Mr. Close,	Mr. Macleay,
Mr. Dangar,	<i>Tellers.</i>
Mr. Sutherland,	Mr. Leary,
Mr. Harpur,	Mr. R. Forster.
Mr. Raper,	

No. 2.

Original Question stated.

Motion made and Question put,—That the item £600, for First Landing Surveyor, be reduced by £100. (*Mr. R. Forster.*)

607—

Committee

Committee divided.

Ayes, 4.

Mr. Lucas,
Mr. R. Forster,

Tellers.

Mr. Dalgleish,
Mr. Driver.

Noes, 26.

Mr. Martin,	Mr. Piddington,
Mr. Eagar,	Mr. Garrett,
Mr. W. Forster,	Mr. Lackey,
Mr. Robertson,	Mr. Morrice,
Mr. Faucett,	Mr. Caldwell,
Mr. Walker,	Mr. Mate,
Mr. Alexander,	Mr. Gordon,
Mr. Cummings,	Mr. Macleay,
Mr. Leary,	Mr. Holroyd,
Mr. Morris,	Mr. Wilson,
Mr. Close,	<i>Tellers.</i>
Mr. Dangar,	Mr. Egan,
Mr. Sutherland,	Mr. Bell.
Mr. Harpur,	

No. 3.

Original Question stated.

And the Committee continuing to sit until after Midnight,—

THURSDAY, 31 MARCH, 1864. A.M.

Motion made and Question put,—That the item £325, for Second Landing Surveyor, be omitted. (*Mr. Dangar.*)

Committee divided.

Ayes, 11.

Mr. Caldwell,	<i>Tellers.</i>
Mr. Piddington,	Mr. Driver,
Mr. Leary,	Mr. Lucas.
Mr. Cunneen,	
Mr. R. Forster,	
Mr. Dalgleish,	
Mr. Dangar,	
Mr. Sutherland,	
Mr. Morrice,	

Noes, 16.

Mr. Martin,	Mr. Morris,
Mr. W. Forster,	Mr. Bell,
Mr. Eagar,	Mr. Lackey,
Mr. Robertson,	Mr. Holroyd,
Mr. Wilson,	Mr. Macleay,
Mr. Close,	<i>Tellers.</i>
Mr. Garrett,	Mr. Walker,
Mr. Harpur,	Mr. Egan.
Mr. Mate,	

Original Question put and carried.

Progress reported—to sit again.

THURSDAY, 31 MARCH, 1864. P.M.

No. 4.

SUPPLY—ESTIMATES FOR 1864.

(*Post Office.*)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £111,122, to defray Salaries and Contingencies of the Post Office for the Year 1864 (being less than Estimate by £3,000 from item £60,000 for Conveyance of Inland Mails, withdrawn.) (*Mr. Eagar.*)

Motion made and Question put,—That the item £500 for Inspector for the Supervision of Contracts and Post Offices, including Travelling Expenses, be omitted. (*Mr. Driver.*)

Committee divided.

Ayes, 16.

Mr. Bell,	Mr. Macpherson,
Mr. Morris,	Mr. Dalgleish,
Mr. R. Forster,	Mr. Gordon,
Mr. Love,	Mr. Piddington,
Mr. Raper,	<i>Tellers.</i>
Mr. Cunneen,	Mr. Driver,
Mr. Stewart,	Mr. Lucas.
Mr. Cummings,	
Mr. Dangar,	
Dr. Lang,	

Noes, 18.

Mr. Martin,	Mr. Macleay,
Mr. Wilson,	Mr. Mate,
Mr. W. Forster,	Mr. Hart,
Mr. Eagar,	Mr. Smart,
Mr. Close,	Mr. Weekes,
Mr. Holroyd,	Mr. Tighe,
Mr. Garrett,	<i>Tellers.</i>
Mr. Alexander,	Mr. Burdekin,
Mr. Sadleir,	Mr. Samuel.
Mr. Emanuel,	

No. 5.

Original Question stated.

Motion made and Question put,—That the item £500 for Inspector for the Supervision of Contracts and Post Offices, including Travelling Expenses, be reduced by the sum of £499 19s. 11 $\frac{3}{4}$ d.

Committee divided.

Ayes, 14.

Mr. Lucas,	Mr. Dangar,
Mr. Dalgleish,	Mr. Cummings,
Mr. R. Forster,	Mr. Morris,
Mr. Bell,	Mr. Gordon,
Mr. Walker,	<i>Tellers.</i>
Mr. Cunneen,	Mr. Piddington,
Mr. Sutherland,	Mr. Raper.
Mr. Macpherson,	

Noes, 13.

Mr. Martin,	Mr. Samuel,
Mr. W. Forster,	Mr. Smart,
Mr. Wilson,	Mr. Macleay.
Mr. Eagar,	<i>Tellers.</i>
Mr. Holroyd,	Mr. Garrett,
Mr. Hart,	Mr. Close.
Mr. Mate,	
Mr. Emanuel,	

Estimate, as reduced, carried.

No. 6.

No. 6.

(Harbors, Light-houses, and Pilot Department.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £24,600, to defray Salaries and Contingencies of the Harbors, Light-houses, and Pilot Department, for the Year 1864. (*Mr. Eagar.*)

And the Committee continuing to sit until after Midnight,—

FRIDAY, 1 APRIL, 1864. A.M.

Motion made and Question put,—That the item £650, for Superintendent of Pilots, Light-houses, and Harbors be omitted. (*Mr. Dangar.*)
Committee divided.

Ayes, 9.

Mr. Love,
Mr. Piddington,
Mr. Stewart,
Mr. Leary,
Mr. Close,
Mr. Cunneen,
Mr. Dangar,

Tellers.

Mr. Driver,
Mr. Lucas.

Noes, 19.

Mr. Martin,	Mr. Smart,
Mr. W. Forster,	Mr. Macpherson,
Mr. Wilson,	Mr. Gordon,
Mr. Eagar,	Mr. Macleay,
Mr. Alexander,	Mr. Mate,
Mr. Holroyd,	Mr. Garrett,
Mr. Burdekin,	<i>Tellers.</i>
Mr. R. Forster,	
Mr. Dalgleish,	Mr. Tighe,
Mr. Lackey,	Mr. Milford.
Mr. Morris,	

No. 7.

Original Question stated.

Motion made and Question put,—That the item £650, for Superintendent, be reduced by £150.

Committee divided.

Ayes, 13.

Mr. Love,	Mr. Close,
Mr. Dalgleish,	Mr. Lackey,
Mr. Walker,	<i>Tellers.</i>
Mr. Piddington,	
Mr. Stewart,	Mr. Driver,
Mr. Bell,	Mr. Lucas.
Mr. Cunneen,	
Mr. Alexander,	
Mr. Dangar,	

Noes, 16.

Mr. Martin,	Mr. Morris,
Mr. W. Forster,	Mr. Smart,
Mr. Wilson,	Mr. Macpherson,
Mr. Eagar,	Mr. Gordon,
Mr. Holroyd,	Mr. Macleay,
Mr. Tighe,	<i>Tellers.</i>
Mr. Leary,	
Mr. Mate,	Mr. Burdekin,
Mr. Garrett,	Mr. R. Forster.

No. 8.

Original Question stated.

Motion made and Question put,—That the item £650, for Superintendent, be reduced by £150 1s. 0d. (*Mr. Lucas.*)

Committee divided.

Ayes, 13.

Mr. Lucas,	Mr. Lackey,
Mr. Dalgleish,	<i>Tellers.</i>
Mr. Walker,	
Mr. Piddington,	Mr. Love,
Mr. Stewart,	Mr. Driver.
Mr. Bell,	
Mr. Cunneen,	
Mr. Alexander,	
Mr. Dangar,	
Mr. Close,	

Noes, 17.

Mr. Martin,	Mr. Smart,
Mr. W. Forster,	Mr. Macpherson,
Mr. Wilson,	Mr. Gordon,
Mr. Eagar,	Mr. Macleay,
Mr. Holroyd,	Mr. Milford,
Mr. Burdekin,	<i>Tellers.</i>
Mr. R. Forster,	
Mr. Tighe,	Mr. Leary,
Mr. Mate,	Mr. Garrett.
Mr. Morris,	

No. 9.

Original Question stated.

Motion made and Question put,—That the item £650, for Superintendent, be reduced by £149 19s. 0d. (*Mr. Driver.*)

Committee divided.

Ayes, 12.

Mr. Lucas,	<i>Tellers.</i>
Mr. Love,	
Mr. Piddington,	Mr. Dalgleish,
Mr. Stewart,	Mr. Driver.
Mr. Cunneen,	
Mr. Dangar,	
Mr. Close,	
Mr. Lackey,	
Mr. Bell,	
Mr. Walker,	

Noes, 17.

Mr. Martin,	Mr. Morris,
Mr. Eagar,	Mr. Smart,
Mr. W. Forster,	Mr. Macpherson,
Mr. Wilson,	Mr. Gordon,
Mr. Holroyd,	Mr. Macleay,
Mr. Burdekin,	<i>Tellers.</i>
Mr. Milford,	
Mr. Alexander,	Mr. Leary,
Mr. Mate,	Mr. R. Forster.
Mr. Garrett,	

No. 10.

Original Question stated.

Motion made and Question put,—That the Chairman leave the Chair, report progress, and ask leave to sit again to-morrow. (*Mr. Dangar.*)

Committee

Committee divided.

Ayes, 9.

Mr. Lucas,
Mr. Walker,
Mr. Driver,
Mr. Cunneen,
Mr. Alexander,
Mr. Close,
Mr. Dangar,

Tellers.

Mr. Piddington,
Mr. Love.

Noes, 20.

Mr. Martin,	Mr. Garrett,
Mr. Eagar,	Mr. Stewart,
Mr. W. Forster,	Mr. Morris,
Mr. Wilson,	Mr. Smart,
Mr. Holroyd,	Mr. Macpherson,
Mr. Burdekin,	Mr. Gordon,
Mr. R. Forster,	Mr. Macleay,

Tellers.

Mr. Leary,
Mr. Mate,
Mr. Lackey,
Mr. Bell,

Mr. Milford,
Mr. Dalgleish.

Original Question stated.

Amendment proposed,—That the item £650 be reduced by £149 18s. 0d. (*Mr. Lucas.*)

Progress reported (on Motion of Mr. Eagar)—to sit again.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 28.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 5 APRIL, 1864.

No. 1.

SUPPLY—ESTIMATES FOR 1864.

(Harbours, Light-houses, and Pilot Department.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £24,600, to defray Salaries and Contingencies of the Harbours, Light-houses, and Pilot Department, for the year 1864. (*Mr. Eagar.*)

Motion made and Question put,—That the item £650, for Superintendent of Pilots, Light-houses, and Harbours be reduced by £149 18s. (*Mr. Lucas.*)

Committee divided.

Ayes, 13.

Mr. Driver,	Mr. Bell,
Mr. Egan,	<i>Tellers.</i>
Mr. Piddington,	Mr. Dalgleish,
Mr. Terry,	Mr. Lucas.
Mr. Stewart,	
Mr. Shepherd,	
Mr. Cunneen,	
Mr. Dangar,	
Mr. Cummings,	
Dr. Lang,	

Noes, 18.

Mr. W. Forster,	Mr. Garrett,
Mr. Wilson,	Mr. Sutherland,
Mr. Robertson,	Mr. Gordon,
Mr. Eagar,	Mr. Weekes,
Mr. Morris,	Mr. Macleay,
Mr. Holroyd,	Mr. Raper,
Mr. Harpur,	<i>Tellers.</i>
Mr. J. T. Ryan,	Mr. Mate,
Mr. Lackey,	Mr. Tighe.
Mr. Leary,	

No. 2.

Original Question stated.

Motion made and Question put,—That the item £650, for Superintendent, be reduced by £149 17s. (*Mr. Driver.*)

Committee divided.

Ayes, 12.

Mr. Dalgleish,	<i>Tellers.</i>
Mr. Egan,	Mr. Driver,
Mr. Raper,	Mr. Lucas.
Mr. Caldwell,	
Mr. Dangar,	
Mr. Cummings,	
Mr. Sadleir,	
Mr. Stewart,	
Mr. Bell,	
Mr. Piddington,	

Noes, 20.

Mr. W. Forster,	Mr. Harpur,
Mr. Wilson,	Mr. Mate,
Mr. Eagar,	Mr. Morris,
Mr. Holroyd,	Mr. Samuel,
Mr. Robertson,	Mr. Haworth,
Mr. Smart,	Mr. Gordon,
Mr. Lord,	Mr. Macleay,
Mr. Weekes,	<i>Tellers.</i>
Mr. Emanuel,	Mr. Burdekin,
Mr. Alexander,	Mr. Garrett.
Mr. Tighe,	

No. 3.

Original Question stated.

Motion made and Question put,—That the item £650, for Superintendent, be reduced by £649 19s. (*Mr. Lucas.*)

Committee divided.

Ayes, 13.

Mr. Lucas,	<i>Tellers.</i>
Mr. Egan,	
Mr. Dalglish,	Mr. Love,
Mr. Stewart,	Mr. Driver.
Mr. Cunneen,	
Mr. Terry,	
Mr. Piddington,	
Mr. Dangar,	
Mr. Cummings,	
Dr. Lang,	
Mr. Bell,	

Noes, 23.

Mr. Martin,	Mr. Weekes,
Mr. Eagar,	Mr. Garrett,
Mr. Wilson,	Mr. Mate,
Mr. Holroyd,	Mr. Morris,
Mr. W. Forster,	Mr. J. T. Ryan,
Mr. Alexander,	Mr. Gordon,
Mr. Lord,	Mr. Macleay,
Mr. Samuel,	Mr. Haworth,
Mr. Smart,	<i>Tellers.</i>
Mr. Emanuel,	
Mr. Sadleir,	Mr. Burdekin,
Mr. Leary,	Mr. Milford.
Mr. Tighe,	

No. 4.

Original Question stated.

Motion made and Question put,—That the item £650, for Superintendent, be reduced by £649 18s. (*Mr. Cunneen.*)

Committee divided.

Ayes, 12.

Mr. Dalglish,	<i>Tellers.</i>
Mr. Piddington,	
Mr. Stewart,	Mr. Bell,
Mr. Egan,	Mr. Lucas.
Mr. J. T. Ryan,	
Mr. Cunneen,	
Mr. Dangar,	
Mr. Cummings,	
Dr. Lang,	
Mr. Love,	

Noes, 20.

Mr. Martin,	Mr. Haworth,
Mr. W. Forster,	Mr. Macleay,
Mr. Eagar,	Mr. Gordon,
Mr. Wilson,	Mr. Tighe,
Mr. Leary,	Mr. Harpur,
Mr. Holroyd,	Mr. Mate,
Mr. Emanuel,	Mr. Morris,
Mr. Sadleir,	<i>Tellers.</i>
Mr. Alexander,	
Mr. Weekes,	Mr. Burdekin,
Mr. Garrett,	Mr. Lord.

No. 5.

Original Question stated.

Motion made and Question put,—That the item £650, for Superintendent, be reduced by £649 17s. (*Mr. Bell.*)

Committee divided.

Ayes, 10.

Mr. Piddington,
Mr. Stewart,
Mr. Lucas,
Mr. Egan,
Mr. Cunneen,
Mr. Cummings,
Mr. Dangar,
Mr. Love,

Tellers.

Mr. Bell,
Mr. Dalglish.

Noes, 21.

Mr. Martin,	Mr. Morris,
Mr. W. Forster,	Mr. Mate,
Mr. Eagar,	Mr. Harpur,
Mr. Wilson,	Mr. Tighe,
Mr. J. T. Ryan,	Mr. Gordon,
Mr. Holroyd,	Mr. Macleay,
Mr. Lord,	Mr. Haworth,
Mr. Alexander,	<i>Tellers.</i>
Mr. Emanuel,	
Mr. Sadleir,	Mr. Leary,
Mr. Garrett,	Mr. Burdekin.
Mr. Weekes,	

No. 6.

Original Question stated.

Motion made and Question put,—That the item £650, for Superintendent, be reduced by £649 16s. (*Mr. Egan.*)

Committee divided.

Ayes, 7.

Mr. Stewart,
Mr. J. T. Ryan,
Mr. Dangar,
Mr. Cunneen,
Mr. Bell,

Tellers.

Mr. Egan,
Mr. Lucas.

Noes, 16.

Mr. Martin,	Mr. Garrett,
Mr. W. Forster,	Mr. Harpur,
Mr. Eagar,	Mr. Milford,
Mr. Wilson,	Mr. Morris,
Mr. Holroyd,	Mr. Mate,
Mr. Lord,	<i>Tellers.</i>
Mr. Sadleir,	
Mr. Alexander,	Mr. Leary,
Mr. Weekes,	Mr. Burdekin.

No. 7.

Original Question stated.

And the House continuing to sit until after Midnight,—

WEDNESDAY, 6 APRIL, 1864, A.M.

Motion made and Question put,—That the item £650, for Superintendent, be reduced by £649 15s. (*Mr. Lucas.*)
Committee divided.

Ayes, 6.

Mr. Stewart,
Mr. Dangar,
Mr. Bell,
Mr. Cummings,

Tellers.

Mr. Egan,
Mr. Lucas.

Noes, 17.

Mr. Martin,
Mr. W. Forster,
Mr. Eagar,
Mr. Wilson,
Mr. Holroyd,
Mr. Milford,
Mr. Mate,
Mr. Lord,
Mr. Alexander,
Mr. Weekes,

Mr. J. T. Ryan,
Mr. Garrett,
Mr. Morris,
Mr. Harpur,
Mr. Macleay,

Tellers.

Mr. Leary,
Mr. Burdekin.

Original Question stated.

Motion made,—That the item £650, for Superintendent, be reduced by £649 14s. (*Mr. Lucas.*)

No Quorum reported.

THURSDAY, 7 APRIL, 1864.

No. 8.

SUPPLY—ESTIMATES FOR 1864.

(*Harbours, Light-houses, and Pilot Department.*)

Question put,—That the item £650, for Superintendent of Pilots, Light-houses, and Harbours, be reduced by £649 14s. (*Mr. Lucas.*)

Committee divided.

Ayes, 7.

Mr. Driver,
Mr. Close,
Mr. Dangar,
Mr. Cummings,
Mr. Stewart,

Tellers.

Mr. Terry,
Mr. Lucas.

Noes, 20.

Mr. W. Forster,
Mr. Wilson,
Mr. Eagar,
Mr. Robertson,
Mr. Holroyd,
Mr. Mate,
Mr. Emanuel,
Mr. Smart,
Mr. Sadleir,
Mr. Lackey,
Mr. Tighe,

Mr. Garrett,
Mr. Harpur,
Mr. Walker,
Mr. Weekes,
Mr. Morris,
Mr. Leary,
Mr. Macleay,

Tellers.

Mr. Hart,
Mr. Burdekin.

No. 9.

Original Question stated.

Motion made and Question put,—That the Chairman do now report progress and ask leave to sit again to-morrow. (*Mr. Hart.*)

Committee divided.

Ayes, 6.

Mr. Terry,
Mr. Tighe,
Mr. Sadleir,
Mr. Dangar,

Tellers.

Mr. Hart,
Mr. Driver.

Noes, 30.

Mr. Wilson,
Mr. W. Forster,
Mr. Eagar,
Mr. Robertson,
Mr. Close,
Mr. Holroyd,
Mr. Lucas,
Mr. Walker,
Mr. Mate,
Mr. Alexander,
Mr. Emanuel,
Mr. Bell,
Mr. Smart,
Mr. Dagleish,
Mr. Raper,
Mr. Macpherson,

Mr. Lackey,
Mr. Stewart,
Mr. Cummins,
Mr. Weekes,
Mr. Caldwell,
Mr. Harpur,
Mr. Holt,
Dr. Lang,
Mr. Morris,
Mr. Macleay,
Mr. Haworth,
Mr. Leary,

Tellers.

Mr. Burdekin,
Mr. Garrett.

No. 10.

Original Question stated.

Motion made and Question put,—That the item £650, for Superintendent, be reduced by £149 15s. (*Mr. Driver.*)

Committee divided.

Ayes, 11.

Mr. Egan,
Mr. Caldwell,
Mr. Terry,
Mr. Walker,
Mr. Cummings,
Mr. Sadleir,
Mr. Dangar,
Mr. Stewart,
Mr. Lackey.

Tellers.

Mr. Lucas,
Mr. Bell.

Noes, 18.

Mr. W. Forster,
Mr. Wilson,
Mr. Eagar,
Mr. Tighe,
Mr. Holroyd,
Mr. Holt,
Mr. Alexander,
Mr. Emanuel,
Mr. Mate,
Mr. Garrett,

Mr. Weekes,
Mr. Macpherson,
Mr. Burdekin,
Mr. Morris,
Mr. Macleay,
Mr. Haworth,

Tellers.

Mr. Leary,
Mr. Hart.

No. 11.

Original Question stated.

Motion made and Question put,—That the item £650, for Superintendent, be reduced by £148 15s. (*Mr. Egan.*)

Committee

Committee divided.

Ayes, 8.

Mr. Piddington,
Mr. Cummings,
Mr. Stewart,
Mr. Sadleir,
Mr. Dalglish,
Mr. Bell,

Tellers.

Mr. Lucas,
Mr. Egan.

Noes, 19.

Mr. W. Forster,
Mr. Wilson,
Mr. Egar,
Mr. Holroyd,
Mr. Robertson,
Mr. Haworth,
Mr. Alexander,
Mr. Lackey,
Mr. Macpherson,
Mr. Weekes,
Mr. Mate,

Mr. Morris,
Mr. Garrett,
Mr. Hart,
Mr. Leary,
Mr. Gordon,
Mr. Burdekin,

Tellers.

Mr. Emanuel,
Mr. Tighe.

No. 12.

Original Question stated.

Motion made and Question put,—That the item £650, for Superintendent, be reduced by £649. (*Mr. Lucas.*)

Committee divided.

Ayes, 4.

Mr. Stewart,
Mr. Dalglish,

Tellers.

Mr. Lucas,
Mr. Driver.

Noes, 21.

Mr. Martin,
Mr. Holroyd,
Mr. W. Forster,
Mr. Wilson,
Mr. Egar,
Mr. Allen,
Mr. Alexander,
Mr. Mate,
Mr. Emanuel,
Mr. Tighe,
Mr. Leary,
Mr. Lackey,

Mr. Garrett,
Mr. Macpherson,
Mr. Weekes,
Mr. Morris,
Mr. Gordon,
Mr. Haworth,
Mr. Robertson,

Tellers.

Mr. Hart,
Mr. Milford.

No. 13.

Original Question stated.

Motion made and Question put,—That the item £200, for Shipwright Surveyor, at £1 10s. each survey, be omitted. (*Mr. Driver.*)

Committee divided.

Ayes, 3.

Mr. Stewart,

Tellers.

Mr. Piddington,
Mr. Driver.

Noes, 24.

Mr. Martin,
Mr. W. Forster,
Mr. Egar,
Mr. Wilson,
Mr. Holroyd,
Mr. Milford,
Mr. Hart,
Mr. Sutherland,
Mr. Mate,
Mr. Emanuel,
Mr. Close,
Mr. Leary,
Mr. Walker,

Mr. Alexander,
Mr. Cummings,
Mr. Tighe,
Mr. Morris,
Mr. Gordon,
Mr. Macleay,
Mr. Macpherson,
Mr. Garrett,
Mr. Haworth,

Tellers.

Mr. Dalglish,
Mr. Egan.

Original Question put and carried.

No. 14.

(*Department of Lands.*)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £5,415, to defray Salaries and Allowances of the Department of Lands, for the year 1864. (*Mr. Wilson.*)

And the Committee continuing to sit until after Midnight,—

FRIDAY, 8 APRIL, 1864, A.M.

Motion made,—That the item £1,500, for Secretary for Lands, be reduced by £300. (*Mr. Dangar.*)

Motion made and Question put,—That the Chairman do now report progress and ask leave to sit again to-morrow. (*Mr. Garrett.*)

Committee divided.

Ayes, 2.

Tellers.

Mr. Garrett,
Mr. Egan.

Noes, 18.

Mr. Martin,
Mr. W. Forster,
Mr. Wilson,
Mr. Holroyd,
Mr. Walker,
Mr. Egar,
Mr. Milford,
Mr. Leary,
Mr. Close,
Mr. Lackey,

Mr. Stewart,
Mr. Mate,
Mr. Gordon,
Mr. Macleay,
Mr. Macpherson,
Mr. Haworth,

Tellers.

Mr. Bell,
Mr. Morris.

Question,—That the item £1,500, for Secretary for Lands, be reduced by £300—stated.

Progress reported (on motion of *Mr. Wilson*) to sit again.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 29.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 12 APRIL, 1864.

No. 1.

SUPPLY—ESTIMATES FOR 1864.

(Department of Lands.)

Original Question,—That there be granted to Her Majesty, a sum not exceeding £5,415, to defray Salaries and Contingencies of the Department of Lands for the Year 1864—stated.

Motion made and Question put,—That the item, £1,500, for Secretary for Lands, be reduced by £300. (Mr. Dangar.)

Committee divided.

Ayes, 12.

Mr. Piddington,	
Mr. Terry,	<i>Tellers.</i>
Mr. R. Forster,	Mr. Lucas,
Mr. Dalglish,	Mr. Driver.
Mr. Stewart,	
Mr. Redman,	
Mr. Cunneen,	
Mr. Garrett,	
Mr. Dangar,	
Mr. Tighe,	

Noes, 20.

Mr. Martin,	Mr. Mate,
Mr. Eagar,	Mr. Morris,
Mr. W. Forster,	Dr. Lang,
Mr. Holroyd,	Mr. Bell,
Mr. Wilson,	Mr. Weekes,
Mr. Sutherland,	Mr. Gordon,
Mr. Smart,	Mr. Close,
Mr. Samuel,	<i>Tellers.</i>
Mr. Leary,	
Mr. Raper,	Mr. Milford,
Mr. Cummings,	Mr. Burdekin.

Original Question carried.

No. 2.

(Immigration.)

The proposed withdrawal of the sum of £80,000, for the purpose of assisting Immigration to this Colony, having been objected to,—

Question put,—That there be granted to Her Majesty, a sum not exceeding £80,000, for the purpose of assisting Immigration to this Colony for the Year 1864.

Committee divided.

Ayes, 6.

Mr. Close,	
Mr. R. Forster,	
Mr. Cummings,	
Mr. Morris,	
<i>Tellers.</i>	
Mr. Hart,	
Mr. Garrett,	

Noes, 26.

Mr. W. Forster,	Mr. Samuel,
Mr. Eagar,	Mr. Mate,
Mr. Wilson,	Mr. Driver,
Mr. J. T. Ryan,	Mr. Sadleir,
Mr. Holroyd,	Mr. Weekes,
Mr. Lucas,	Mr. Cunneen,
Mr. Leary,	Mr. Raper,
Mr. Terry,	Mr. Harpur,
Mr. Stewart,	Mr. Bell,
Mr. Caldwell,	Mr. Gordon,
Mr. Piddington,	<i>Tellers.</i>
Mr. Emanuel,	
Mr. Redman,	Mr. Love,
Mr. Dalglish,	Mr. Tighe.

Progress reported—to sit again.

WEDNESDAY, 13 APRIL, 1864.

No. 3.

(Miscellaneous Services.)

Motion made and Question put,—That the item £640, for Compensation to Francis Flanagan, in respect of 2,560 acres of Land in the County of Saint Vincent, be omitted.

Committee divided.

Ayes, 17.

Mr. Martin,	Mr. Terry,
Mr. W. Forster,	Mr. Smart,
Mr. Eagar,	Mr. Holt,
Mr. Holroyd,	Dr. Lang,
Mr. Haworth,	Mr. Mate,
Mr. Leary,	<i>Tellers.</i>
Mr. Piddington,	
Mr. Dalgleish,	Mr. Driver,
Mr. Alexander,	Mr. Lucas.
Mr. Emanuel,	

Noes, 13.

Mr. Wilson,	Mr. Garrett,
Mr. Lackey,	<i>Tellers.</i>
Mr. Morris,	
Mr. Burdekin,	Mr. Bell,
Mr. Close,	Mr. Egan.
Mr. Tighe,	
Mr. J. T. Ryan,	
Mr. Sadleir,	
Mr. Raper,	
Mr. Dangar,	

Estimate, as reduced, carried.

No. 4.

(Department of Public Works.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £4,620, to defray Salaries and Contingencies of the Department of Public Works, for the Year 1864. (*Mr. Holroyd.*)

Motion made and Question put,—That the item £1,500, for Secretary for Public Works, be reduced by £300. (*Mr. Dalgleish.*)

Committee divided.

Ayes, 6.

Mr. Dalgleish,
Mr. Terry,
Mr. Garrett,
Mr. Stewart,
<i>Tellers.</i>
Mr. Driver,
Mr. Lucas.

Noes, 29.

Mr. Martin,	Mr. Flett,
Mr. Wilson,	Mr. Haworth,
Mr. W. Forster,	Mr. Leary,
Mr. Holroyd,	Mr. Lackey,
Mr. Close,	Mr. Raper,
Mr. Cummings,	Mr. Morrice,
Mr. Hart,	Mr. Holt,
Mr. Tighe,	Mr. Macleay,
Mr. J. T. Ryan,	Mr. Milford,
Mr. Burdekin,	Mr. Eagar,
Mr. Alexander,	Mr. Morris,
Mr. Sutherland,	<i>Tellers.</i>
Mr. Sadleir,	
Dr. Lang,	Mr. Bell,
Mr. Emanuel,	Mr. Egan.
Mr. Mate,	

Original Question carried.

No. 5.

(Public Works and Buildings.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £70,390, for Public Works and Buildings, for the Year 1864; being less than Estimate by £2,000, from item £12,000 for Ordinary Repairs, Alterations, and Additions, to Public Buildings generally; by £1,000, from item £4,000 for Providing Furniture and Fittings for the Public Offices generally; by £500, from item £1,500 for Repairs to Military Barracks and Buildings; by items £1,000 for erection of New Sheds for Colonial Stores, £1,500 for Additions to the Government Printing Office, £5,500 for Additions and General Repairs—for Engine and Piping, to bring Water from Dam to Lunatic Asylum, Tarban; by £400, from item £500 for New Entrance Gates, Botanic Gardens; and by items £2,340 for Repairing Roadway, Building Retaining Wall, and Erecting Buildings, Artillery Barracks, £2,500 for Additions to the Crown Lands Office, £1,000 towards the Erection of a Custom House, Newcastle, and £1,500 for the Erection of a Court House at Picton (Resolution of Assembly)—withdrawn. (*Mr. Holroyd.*)

Motion made and Question put,—That the item £12,000, for Ordinary Repairs, Alterations, and Additions to Public Buildings generally, be further reduced by the sum of £4,000. (*Mr. Piddington.*)

Committee divided.

Ayes, 9.

Mr. Driver,
Mr. Dalgleish,
Mr. Cunneen,
Mr. Tighe,
Mr. Cummings,
Mr. Stewart,
Mr. Lucas,
<i>Tellers.</i>
Mr. Piddington,
Mr. Hart.

Noes, 27.

Mr. Martin,	Mr. Dangar,
Mr. Wilson,	Mr. Harpur,
Mr. Eagar,	Mr. Morrice,
Mr. W. Forster,	Dr. Lang,
Mr. Holroyd,	Mr. Morris,
Mr. Close,	Mr. Gordon,
Mr. Macpherson,	Mr. Raper,
Mr. Alexander,	Mr. Redman,
Mr. Mate,	Mr. Egan,
Mr. Emanuel,	Mr. Macleay,
Mr. Sutherland,	<i>Tellers.</i>
Mr. Garrett,	
Mr. Caldwell,	Mr. Bell,
Mr. Leary,	Mr. R. Forster.
Mr. Sadleir,	

No. 6.

No. 6.

Original Question stated.

Motion made and Question put,—That the item £30,000, for Police Buildings, be omitted. (*Mr. Cunneen.*)

And the Committee continuing to sit until after Midnight,—

 THURSDAY, 14 APRIL, 1864, A.M.

Committee divided.

Ayes, 16.

Mr. Dalgleish,	Mr. Sutherland,
Mr. Macpherson,	Mr. Dangar,
Mr. Raper,	Mr. Morris,
Mr. Cunneen,	Mr. Gordon,
Mr. Leary,	Mr. Macleay,
Mr. Close,	<i>Tellers.</i>
Mr. Driver,	Mr. Piddington,
Mr. Cummings,	Mr. Lucas.
Mr. Stewart,	

Noes, 12.

Mr. Martin,	Mr. Garrett,
Mr. Wilson,	<i>Tellers.</i>
Mr. Eagar,	Mr. B. Forster,
Mr. W. Forster,	Mr. Egan.
Mr. Holroyd,	
Mr. Redman,	
Mr. Alexander,	
Mr. Bell,	
Mr. Mate,	

No. 7.

Question, as reduced, stated.

Motion made and Question put,—That the item £15,000, for Gaols, Court Houses, and Lock-ups, be reduced by £3,000. (*Mr. Piddington.*)

Committee divided.

Ayes, 6.

Mr. Cunneen,
Mr. Dalgleish,
Mr. Cummings,
Mr. Driver,
<i>Tellers.</i>
Mr. Piddington,
Mr. Lucas.

Noes, 19.

Mr. Martin,	Mr. Alexander,
Mr. W. Forster,	Mr. Mate,
Mr. Wilson,	Mr. Macpherson,
Mr. Eagar,	Mr. Macleay,
Mr. Holroyd,	Mr. Morris,
Mr. Egan,	Mr. Redman,
Mr. R. Forster,	<i>Tellers.</i>
Mr. Close,	Mr. Burdekin,
Mr. Sutherland,	Mr. Garrett.
Mr. Bell,	
Mr. Dangar,	

Estimate, as reduced (£40,390), carried.

 THURSDAY, 14 APRIL, 1864, P.M.

No. 8.

SUPPLY—ESTIMATES FOR 1864.

*(Electric Telegraphs.)*Question proposed,—That there be granted to Her Majesty, to be raised by Loan, a sum not exceeding £18,300, for the construction of Electric Telegraphs, for the Year 1864. (*Mr. Holroyd.*)Motion made and Question put,—That the item £9,000, for Construction of Line from Mudgee to Murrurundi, 120 miles, be omitted. (*Mr. Driver.*)

Committee divided.

Ayes, 2.

<i>Tellers.</i>
Mr. Love,
Mr. Driver.

Noes, 26.

Mr. Eagar,	Mr. Redman,
Mr. W. Forster,	Mr. Garrett,
Mr. Wilson,	Mr. Sutherland,
Mr. Holroyd,	Mr. Dalgleish,
Mr. Mate,	Mr. Macpherson,
Mr. Alexander,	Mr. Lucas,
Mr. Weekes,	Mr. Lackey,
Mr. Sadleir,	Mr. Morris,
Mr. Emanuel,	Mr. Piddington,
Mr. Terry,	Mr. Gordon,
Mr. Tighe,	<i>Tellers.</i>
Mr. Samuel,	Mr. Leary,
Mr. Cummings,	Mr. Burdekin.
Mr. Dangar,	

No. 9.

*(Police.)*Question proposed,—That there be granted to Her Majesty, a sum not exceeding £18,690, for Police Magistrates, for the Year 1864 (being less than Estimate by £530, for one Police Magistrate, withdrawn). (*Mr. W. Forster.*)

Motion

Motion made and Question put,—That a sum not exceeding £14,185 be granted for this Service. (*Mr. Lucas.*)

Committee divided.

Ayes, 13.

Mr. Lucas,	Mr. Alexander,
Mr. Tighe,	Mr. Cummings,
Mr. Piddington,	<i>Tellers.</i>
Mr. Egan,	Mr. Hart,
Mr. Dalglish,	Mr. Driver.
Mr. Terry,	
Mr. Stewart,	
Mr. Sutherland,	
Mr. Weekes,	

Noes, 16.

Mr. W. Forster,	Mr. Sadleir,
Mr. Wilson,	Mr. Burdekin,
Mr. Redman,	Mr. Dangar,
Mr. Eagar,	Mr. Morris,
Mr. Holroyd,	Mr. Garrett,
Mr. Flett,	<i>Tellers.</i>
Mr. Mate,	Mr. Macpherson,
Mr. Leary,	Mr. Gordon.
Mr. Lackey,	

No. 10.

Original Question stated.

Motion made and Question put,—That a sum not exceeding £16,290 be granted for this Service. (*Mr. Driver.*)

Committee divided.

Ayes, 18.

Mr. Driver,	Mr. Sadleir,
Mr. Morris,	Mr. Cummings,
Mr. Tighe,	Mr. Alexander,
Mr. Terry,	Mr. Weekes,
Mr. Piddington,	Mr. Lackey,
Mr. Leary,	Mr. Garrett,
Mr. Dalglish,	<i>Tellers.</i>
Mr. Stewart,	Mr. Hart,
Mr. Sutherland,	Mr. Burdekin.
Mr. Lucas,	

Noes, 11.

Mr. Wilson,	<i>Tellers.</i>
Mr. W. Forster,	Mr. Mate,
Mr. Macpherson,	Mr. Flett.
Mr. Redman,	
Mr. Eagar,	
Mr. Holroyd,	
Mr. Dangar,	
Mr. Bell,	
Mr. Gordon,	

No. 11.

(*Miscellaneous Services.*)

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £200, to provide for a Queen's Plate, to be run for annually on Randwick Racecourse, under the auspices of the Australian Jockey Club—(Resolution of Assembly). (*Mr. Eagar.*)

Committee divided.

Ayes, 16.

Mr. Eagar,	Mr. Cummings,
Mr. Wilson,	Mr. Bell,
Mr. Burdekin,	Mr. Cowper,
Mr. Holroyd,	Mr. R. Forster,
Mr. Morris,	Mr. Garrett,
Mr. Lackey,	<i>Tellers.</i>
Mr. Egan,	Mr. Driver,
Mr. Hart,	Mr. Lucas.
Mr. Flett,	

Noes, 6.

Mr. W. Forster,
Mr. Alexander,
Mr. Dangar,
Mr. Macpherson,
<i>Tellers.</i>
Mr. Leary,
Mr. Dalglish.

Progress reported—to sit again.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 30.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

TUESDAY, 19 APRIL, 1864.

No. 1.

SUPPLY :—ADDITIONAL ESTIMATES FOR 1864.

(Pensions.)

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £122 11s. 9d., to defray Additional Charge for Pensions (Supplement to Schedule B), for the year 1864. (*Mr. W. Forster.*)

Committee divided.

Ayes, 22.

Mr. Martin,	Mr. Flett,
Mr. W. Forster,	Mr. Harpur,
Mr. Eagar,	Mr. Dangar,
Mr. Faucett,	Mr. Lackey,
Mr. Wilson,	Mr. Gordon,
Mr. Holroyd,	Mr. Mate,
Mr. Morris,	Mr. Robertson,
Mr. Macpherson,	Mr. Garrett,
Mr. Cummings,	<i>Tellers.</i>
Dr. Lang,	
Mr. Stewart,	Mr. Samuel,
Mr. Raper,	Mr. Dalgleish.

Noes, 7.

Mr. Terry,
Mr. Cunneen,
Mr. Piddington,
Mr. Leary,
Mr. Sadleir,

Tellers.

Mr. Lucas,
Mr. Driver.

No. 2.

(Legislative Council.)

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £131 5s., to defray Additional Charge for Legislative Council, for the year 1864. (*Mr. W. Forster.*)

Committee divided.

Ayes, 17.

Mr. Martin,	Mr. Lackey,
Mr. Eagar,	Mr. Gordon,
Mr. W. Forster,	Mr. Mate,
Mr. Faucett,	Mr. Robertson,
Mr. Wilson,	Mr. Garrett,
Mr. Holroyd,	<i>Tellers.</i>
Mr. Samuel,	
Mr. Raper,	Mr. Macpherson,
Mr. Harpur,	Mr. Morris.
Mr. Flett,	

Noes, 12.

Mr. Dalgleish,	<i>Tellers.</i>
Mr. Cunneen,	
Mr. Piddington,	Mr. Driver,
Mr. Leary,	Mr. R. Forster.
Mr. Stewart,	
Mr. Sadleir,	
Mr. Terry,	
Mr. Dangar,	
Mr. Cummings,	
Dr. Lang,	

No. 3.

(Legislative Council and Assembly.)

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £36 13s. 4d., to defray Additional Charge for Legislative Council and Assembly, for the year 1864. (*Mr. W. Forster.*)

Committee

Committee divided.

Ayes, 23.

Mr. Martin,	Mr. Cummings,
Mr. Eagar,	Mr. Dangar,
Mr. W. Forster,	Mr. Lackey,
Mr. Faucett,	Mr. Gordon,
Mr. Wilson,	Mr. Mate,
Mr. Holroyd,	Mr. Robertson,
Mr. Leary,	Mr. Bell,
Mr. Samuel,	Mr. Garrett,
Mr. Piddington,	<i>Tellers.</i>
Mr. Raper,	
Mr. Terry,	Mr. Macpherson,
Mr. Flett,	Mr. Morris.
Mr. Harpur,	

Noes, 8.

Mr. Driver,
Mr. Darvall,
Mr. Cunneen,
Mr. Sadleir,
Mr. Stewart,
Dr. Lang,
<i>Tellers.</i>
Mr. R. Forster,
Mr. Dalgleish.

No. 4.

(*Customs—River Murray.*)

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £1,934 10s., to defray Additional Charge for Customs (River Murray), for the year 1864. (*Mr. Eagar.*)

Committee divided.

Ayes, 25.

Mr. Martin,	Mr. Flett,
Mr. Eagar,	Mr. Cunneen,
Mr. W. Forster,	Mr. R. Forster,
Mr. Wilson,	Mr. Sadleir,
Mr. Lucas,	Mr. Raper,
Mr. Holroyd,	Mr. Weekes,
Mr. Love,	Mr. Bell,
Mr. Milford,	Mr. Walker,
Mr. Allen,	Mr. Hannell,
Mr. Caldwell,	<i>Tellers.</i>
Mr. Emanuel,	
Mr. Tighe,	Mr. Piddington,
Mr. Dangar,	Mr. Dalgleish.
Mr. Alexander,	

Noes, 6.

The Speaker,
Mr. Samuel,
Mr. Mate,
Mr. Macpherson,
<i>Tellers.</i>
Mr. Garrett,
Mr. Morris.

No. 5.

(*Department of Lands.*)

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £150, to defray Additional Charge for the Department of Lands, for the year 1864. (*Mr. Wilson.*)

Committee divided.

Ayes, 28.

Mr. Martin,	Mr. Flett,
Mr. Eagar,	Mr. Love,
Mr. W. Forster,	Mr. Sadleir,
Mr. Wilson,	Mr. Sutherland,
Mr. Holroyd,	Mr. Stewart,
Mr. Milford,	Mr. Tighe,
Mr. Allen,	Mr. Morris,
Mr. Piddington,	Mr. Dangar,
Mr. Caldwell,	Dr. Lang,
Mr. Emanuel,	Mr. Cummings,
Mr. Alexander,	Mr. Hannell,
Mr. Samuel,	<i>Tellers.</i>
Mr. Weekes,	
Mr. Mate,	Mr. Bell,
Mr. Macpherson,	Mr. Walker.

Noes, 5.

Mr. Dalgleish,
Mr. B. Forster,
Mr. Cunneen,
<i>Tellers.</i>
Mr. Lucas,
Mr. Garrett.

No. 6.

(*Works and Buildings.*)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £7,712 6s. 2d., to defray Additional Charge for Works and Buildings, for the year 1864. (*Mr. Holroyd.*)

Motion made and Question put,—That the item £400, for Repairs to Buildings on Garden Island, be omitted. (*Mr. Lucas.*)

Committee divided.

Ayes, 13.

Mr. R. Forster,	Mr. Hannell,
Mr. Milford,	Mr. Garrett,
Mr. Lucas,	Mr. Cunneen,
Mr. Egan,	<i>Tellers.</i>
Mr. Dangar,	
Mr. Cummings,	Mr. Driver,
Mr. Sutherland,	Mr. Dalgleish.
Mr. Piddington,	

Noes, 11.

Mr. Martin,	Mr. Macleay,
Mr. Eagar,	<i>Tellers.</i>
Mr. W. Forster,	
Mr. Holroyd,	Mr. Mate,
Mr. Wilson,	Mr. Walker.
Mr. Macpherson,	
Mr. Morris,	
Mr. Bell,	

Estimate, as reduced (£,7312 6s. 2d.), carried.

Resolutions reported.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 1.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863. June 23	Certain Inhabitants of the Town of Dubbo, in the District of Bligh.....	(122) One hundred and twenty-two..	Mr. Lord	Deprecating the contemplated withdrawal of the District Court from Dubbo, and praying that that Town may further be proclaimed a place where Quarter Sessions may be permanently held.
„ 23	Richard Peard, late of the Goulburn Police Force	(1) One	Mr. Alexander	Complaining of certain delays and disappointments which he has experienced in his endeavour to participate in the advantages of the Police Pension or Reward Fund.
„ 24	Robert Andrews, of Sydney....	(1) One	Mr. Driver	Representing that, under the circumstances in the Petition set forth, the seat of the late Member for Central Cumberland, James Henry Atkinson, Esquire, ought to have been declared vacant by a Resolution of this House, and that the recent Writ to supply his place was improperly issued on the resignation of that gentleman; and praying that a new Writ may therefore be issued.
„ 24	Inhabitants of Brisbane Water {	(238) Two hundred and thirty-eight }	Mr. Faucett.....	Deprecating the removal of Messrs. Hely, Harrison, and Scott, from the Commission of the Peace, and soliciting an Inquiry into the conduct of the whole of the Magistracy of the District on 1st December, 1862, and the appointment of a Stipendiary Magistrate.
„ 24	Samuel Hawkins, T. H. Wingrove, and James Martin, the Shareholders of the "Homeward Bound Company," New Chum Hill, Kiandra	(3) Three	Mr. Wilson	Representing that they have suffered great pecuniary loss in Gold Mining operations, in connection with a certain water privilege at Kiandra, in consequence of various orders and decisions of Mr. Sub-Commissioner Cooper; and praying relief.
„ 25	Amelia Campbell Reynolds, of Maitland, Widow.....	(1) One	Mr. Darvall.....	Complaining of the inadequacy of the compensation allowed to her for the destruction of a large number of her Sheep, under the provisions of the Scab Act (24 Vict., No. 9); and praying relief.

Legislative Assembly Offices,
Sydney, 26th June, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 2.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863. June 30	Certain Presbyterians	(44) Forty-four	Dr. Lang	{ Praying for leave to introduce a Bill to incorporate the Presbyterian College.
„ 30	Certain Elders and Committee of Management of the Scots' Church, Sydney	(12) Twelve	Dr. Lang	{ Praying for leave to introduce a Bill to legalize the exchange of a portion of the allotment of the Scots' Church, Jamison-street, Sydney, and to authorize the re-erection of the Tower of the said Church on its present foundation.
„ 30	Robert Melville	(1) One	Mr. Wilson	{ Complaining of injuries, as in the Petition set forth, sustained by him, in consequence of his having been incarcerated and otherwise dealt with as a Lunatic; and praying inquiry into the circumstances of his case, and redress.
„ 30	Benjamin Darley, and Charles Smith, of Sydney	(2) Two	Mr. Samuel.....	{ Praying for leave to introduce a Bill to establish and incorporate a Company to be called "The Waratah Coal Company," and to authorize the making of a Railway for the purposes of the said Company.
July 2	Nathaniel Lipscombe Kentish..	(1) One	Mr. Harpur	{ Relative to his dismissal from the office of Clerk of Petty Sessions at Molong,—which formed the subject of a Petition submitted by him in a former Session,—and praying a consideration of his case.

Legislative Assembly Offices,
Sydney, 3 July, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 3.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863. July 7	James Shoobert, Henry Burns, and John Campbell, of Sydney, shipowners, &c.....	(3) Three.....	Mr. Eagar	{ Proposing the introduction of certain provisions into the "Seamen's Laws Amendment Bill," and that its 5th clause be not passed.
" 8	The Mayor and Aldermen of the Municipality of Wollongong, under the Seal of the Corporation	(1) One	Mr. Garrett	{ Praying that a Bill of the nature of the "Municipalities Law Amendment Bill" may be passed.
" 8	Committee of Management of the Muswellbrook Benevolent Society and Hospital	(7) Seven	Mr. Dangar	{ Against the passing of the "Pastoral Interests Contribution Bill," in its integrity.
" 10	Certain Traders, Miners, and others, residing on the Burrangong Gold Fields	(253) Two hundred and fifty-three	Mr. Wilson	{ Representing the insecurity of life and property in the Burrangong District, in consequence of the depredations of a gang of Bushrangers; and praying that such measures may be devised as will restore confidence in the Laws, repress crime, and afford protection to life and property.
" 10	Robert Stewart	(1) One	Mr. Mate	{ Setting forth his claim to certain land near Broken Bay, alleged to have been promised to his late Father, by Governor Macquarie, but now withheld from Petitioner; and praying such inquiry into his case, as may be deemed necessary for the ends of Justice.

Legislative Assembly Offices,
Sydney, 10 July, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 4.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863. July 14	Certain Teachers of National and Denominational Schools in Sydney and its Suburbs..	(12) Twelve	Mr. Dalley	{ Relative to Schools and Schoolmasters, praying for the embodiment of certain resolutions, as in the Petition set forth, in any Education Bill which may be passed into law.
„ 14	Certain Inhabitants of the City of Sydney	(115) One hundred and fifteen	Mr. Holroyd	{ Praying that such a Bill as the "Matrimonial Causes Bill" may be passed.
„ 15	James W. Thomas, of Sydney..	(1) One	Mr. Driver	{ Complaining of the wrongful withholding from him, by the Police, of certain property; and praying relief.
„ 16	Certain Members of the local board of Directors of the European Assurance Society }	(2) Two	Mr. Cowper	{ Praying for leave to introduce a Bill to enable the European Assurance Society to sue and be sued in the name of such Society.
„ 16	Committee of the Albury Hospital and Benevolent Asylum	(11) Eleven	Mr. Mate	{ Praying that the House will refuse its assent to any provisions of the "Pastoral Interests Contribution Bill," which will have the effect of diverting the Unclaimed Poundage Fees from Institutions such as the Albury Hospital and Benevolent Asylum.
„ 16	Rev. John M'Gibbon	(1) One	Mr. W. Forster ..	{ Praying that, for the reasons in the Petition set forth, the "Presbyterian College Bill" may not be passed.
„ 17	Martin Gardiner	(1) One	Mr. Dalglish	{ Detailing certain grievances which he has sustained in connection with the Railway Department, and praying inquiry into the circumstances of his case.

Legislative Assembly Offices,
Sydney, 17 July, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 5.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
July 21	Minister and Congregation of St. Andrews Scots' Church, Newcastle	(24) Twenty-four ..	Mr. Flett	{ Against the passing of the Presbyterian College Bill.
„ 21	Certain Presbyterians of Sydney	(12) Twelve	Mr. Eagar	Similar prayer.
„ 21	Charles Kemp, as Chairman of the Commercial Banking Company	(1) One	Mr. Cowper	{ Praying for leave to introduce a Bill to amend the Commercial Banking Company's Act of Incorporation.
„ 21	Certain Merchants, Traders, Manufacturers, and other Residents of the City of Sydney, and other parts of the Colony }	(106) One hundred } and six	Mr. Cowper	{ Representing certain defects in the Insolvent Law, and praying that steps may be taken to remedy, without delay, the state of things at present existing in reference thereto.
„ 21	Certain Storekeepers, Merchants, and Settlers, of Bathurst	(283) Two hundred } and eighty-three }	Mr. Driver	{ Praying that steps may be taken for the better regulation of Carriage into the Interior.
„ 21	Arthur Arlington Abbott, late Sub-Inspector of Police }	(1) One	Mr. W. Forster ..	{ Praying that the manner of his removal from the Public Service may be inquired into.
„ 21	Certain Members of the Kirk Session of the Presbyterian Church at Portland Head.. }	(4) Four	Mr. Piddington ..	{ Against the passing of the Presbyterian College Bill.
„ 22	Philip Dignam and others, Inhabitants of Goulburn.... }	(170) One hundred } and seventy	Mr. Alexander ..	{ Against the passing of certain clauses in the Pastoral Interests Contribution and the Impounding Bills, proposing to divert the Unclaimed Proceeds of Cattle Impounded from certain Charitable Institutions.
„ 22	W. H. Hovell, J.P., and others, Inhabitants of Goulburn.... }	(79) Seventy-nine ..	Mr. Alexander....	Similar prayer.
„ 22	Certain Officers and Committee of the Goulburn Hospital..... }	(11) Eleven	Mr. Alexander....	Similar prayer.
„ 24	A Roman Catholic Clergyman and certain Catholics of Raymond Terrace	(105) One hundred } and five	Mr. Sadleir	{ Adverse to the Church and School Lands Declaratory Bill.
„ 24	Certain Roman Catholic Inhabitants of the District of Camden	(92) Ninety-two....	Mr. Faucett	Similar prayer.
„ 24	Certain Teachers in and around Albury	(4) Four	Mr. Mate	{ Praying that the Public Education Bill may be modified, so as to meet the Petitioners' views, as in the Petition set forth.

Legislative Assembly Offices,
Sydney, 24 July, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 6.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
July 28	Thomas Craig, Moderator, and James Milne, Clerk, of the Synod of Australia	(2) Two	Mr. Darvall	{ Praying that the "Presbyterian College Bill" may be rejected.
" 28	James Fullerton, L.L.D., Minister of the Scots' Church, Pitt-street	(1) One	Mr. Lucas	Similar prayer.
" 29	Certain Members of the Church of England, holding the position of Members of Local Boards for the Management of Schools in the various Parishes	(38) Thirty-eight ..	Mr. Smart	{ Adverse to the "Public Education Bill."
" 30	Thomas Cook, J.P., late of the River Williams, now residing in Sydney	(1) One	Mr. W. Forster ..	{ Complaining of injury sustained by him, arising out of his loss of Office, as Police Magistrate of the Upper Williams River, in 1843; and praying redress.
" 30	Roman Catholic Archbishop, and Clergy of Sydney	(13) Thirteen	Mr. Faucett	{ Adverse to the "Public Education Bill."
" 31	Storekeepers, Merchants, and Settlers of Mudgee	(44) Forty-four	Mr. Dalley	{ Praying for the enactment of some Law for the better regulation of carriage into the Interior.
" 31	The Local Board of Education, in connection with the Church of England, at Wollongong ..	(5) Five	Mr. C. Cowper, junr	{ Adverse to the "Public Education Bill."
" 31	Certain Sheep Owners, resident in the District of New England	(16) Sixteen	Mr. Gordon	{ Expressing their opinion that the provisions of the "Scab in Sheep Act" should be most rigorously enforced, and suggesting the introduction of certain other stringent regulations relative to Scab in Sheep.

Legislative Assembly Offices,
Sydney, 31 July, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 7.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
August 4	Committee of Management of the Hawkesbury Benevolent Society	(9) Nine	Mr. Walker	{ Praying that the 39th Section of the "Impounding Bill" may not be passed.
" 4	William M'Kee, of Campbelltown, a Minister of the Presbyterian Church, in connexion with the Synod of Australia	(1) One	Mr. Cowper	{ Against the passing of the "Presbyterian College Bill."
" 4	Certain Proprietors of the Cardiff Coal Company.....	(4) Four	Mr. Garrett	{ Praying for leave to introduce a Bill to incorporate the "Cardiff Coal Company."
" 4	Inhabitants of Burragorang....	(54) Fifty-four	Mr. Macpherson..	{ Against the passing of the "Church and School Lands Declaratory Bill."
" 4	"The Chairman and Councillors of the Municipality of Redfern," under the signature of the Chairman, and the Seal of the Corporation.....	(1) One	Mr. Sutherland ..	{ Setting forth certain losses sustained by the Redfern Corporation, in consequence of the defective provisions of the Municipalities Act (22 Vict., No. 13), under which it was constituted; and praying relief.
" 5	Certain National Teachers, of the District of Shoalhaven..	(6) Six.....	Mr. Robertson....	{ Praying that in the "Public Education Bill" the duties of Teachers may be defined.
" 5	Clergyman, Churchwardens, and Parishioners of St. Mary's Parish, West Maitland.....	(36) Thirty-six	Mr. Weekes	{ Praying for the introduction of certain provisions, respecting School Premises, into the "Public Education Bill."
" 7	Certain Residents in the District of Muswellbrook ..	(68) Sixty-eight..	{ Mr. Harpur, on behalf of Mr. Dangar	{ Praying for the introduction of certain provisions into the "Public Education Bill."
" 7	Certain Teachers, of various Denominations, in the District of Illawarra	(3) Three	Mr. Gray	Similar prayer.
" 7	Certain Residents in the Districts of Merton and Muswellbrook	(28) Twenty-eight	{ Mr. Harpur, on behalf of Mr. Dangar	{ Similar prayer.

Legislative Assembly Offices,
Sydney, 7 August, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 8.

—
WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863. August 11	President, Vice-President, Officers, and Committee of Management of the Singleton and Patrick's Plains Benevo- lent Society	(12) Twelve	Mr. Harpur	{ Adverse to the passing of the "Pastoral Interests Contribution Bill."
" 11	Certain Residents in the District of Patrick's Plains..}	(50) Fifty	Mr. Harpur	{ Adverse to the "Public Education Bill."
" 11	Certain Residents of the District of Raymond Terrace }	(39) Thirty-nine ..	Mr. Sadleir	{ Adverse to the "Public Education Bill," in its present shape.
" 13	Robert Stewart	(1) One	Mr. Mate	{ Praying for leave to appear, either in person or by Counsel, or Agent, before the Select Com- mittee now sitting in the matter of Robert Stewart.

*Legislative Assembly Offices,
Sydney, 14 August, 1863.*

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 9.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
August 18	Certain Residents in the } District of East Maitland .. }	(14) Fourteen.....	Mr. Darvall.....	{ Adverse to the "Public Education Bill," in its present shape.
" 18	Certain Inhabitants of the } Town and District of Murrur- undi..... }	(29) Twenty-nine ..	Mr. Dangar.....	{ Adverse to the passing of the 11th Clause of the "Pastoral Interests Contribution Bill."
" 18	Certain Sheep-owners, resi- ding in the neighbourhood of Glen Innes, in the District of New England .. }	(11) Eleven.....	Mr. Gordon	{ Making certain suggestions with reference to the subject of Scab in Sheep.
" 18	Certain Presbyterians of Yass and its vicinity .. }	(24) Twenty-four...	Dr. Lang	{ Praying that the "Presbyterian College Bill" may be passed.
" 18	Certain Presbyterian Inhabi- tants of Moruya and its vicinity .. }	(31) Thirty-one	Dr. Lang	Similar prayer.
" 18	Certain Residents in the } District of Paterson .. }	(34) Thirty-four	Mr. Arnold	{ Adverse to the "Public Education Bill," in its present shape.
" 18	Certain Residents in the } District of Port Stephens .. }	(37) Thirty-seven {	Mr. Cunneen, on behalf of Mr. Allen	{ Similar prayer.
" 18	Certain Residents of Dungog } and Bendolba .. }	(13) Thirteen {	Mr. Cunneen, on behalf of Mr. Allen	{ Similar prayer.
" 18	Certain Residents in the } District of Hexham and Alnwick .. }	(51) Fifty-one.....	Mr. Tighe	Similar prayer.
" 19	Certain Clergy, Magistrates, Gentry, and others, residents of Shoalhaven .. }	(151) One hundred } and fifty-one }	Mr. Robertson....	{ Praying for the extension of the Electric Telegraph to Jervis Bay and Nowra.
" 19	Thomas Spence, as Chairman of a certain Public Meeting held at the Temperance Hall, Sydney..... }	(1) One	Mr. Eagar	{ Praying that no Education Bill may be passed which does not provide for free Education.
" 19	Certain Presbyterians of Wingham and its vicinity, on the Manning River }	(25) Twenty-five ..	Dr. Lang	{ In favour of the passing of the "Presbyterian College Bill."
" 19	Certain Presbyterians, and friends of their cause, at Wallsend Mining District, by Newcastle .. }	(37) Thirty-seven ..	Dr. Lang	Similar prayer.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863. Augu	Thomas Westropp, Surgeon, Sydney	(1) One	Dr. Lang	{ Deprecating the destruction of Sheep infected with Scab, which disease Petitioner asserts can be easily cured by a simple remedy within his knowledge; and praying inquiry into the subject.
„ 19	Certain Residents in the District of Wollombi	(23) Twenty-three..	Mr. Eckford	{ Adverse to the passing of the “Public Education Bill,” in its present shape.
„ 20	Certain Residents of the District of the Manning River	(45) Forty-five	Mr. Flett	Similar prayer.
„ 21	Certain Roman Catholics of Singleton and Patrick’s Plains	(135) One hundred and thirty-five ..	Mr. Harpur	{ Adverse to the “Public Education Bill.”

*Legislative Assembly Offices,
Sydney, 21 August, 1863.*

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 10.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863. August 25	Certain Residents in the District of Port Macquarie and Macleay	(110) One hundred and ten	Mr. Rusden	{ Adverse to the "Public Education Bill," in its present shape.
" 26	Certain Pawnbrokers of Sydney	(19) Nineteen.....	Mr. Eagar	{ Against the further consideration of the "Pawnbrokers Bill" until the Evidence taken before the Select Committee of last Session, on a similar Bill, be laid upon the Table of the House and printed.
" 26	Certain Presbyterians of Forbes, on the Lachlan Diggings	(84) Eighty-four ..	Dr. Lang	{ In favour of the passing of the "Presbyterian College Bill."
" 26	William Purves, as convener of a certain Public Meeting of the inhabitants of Maitland and surrounding District ..	(1) One	Mr. Burns	{ Praying that a Bill may be passed without delay to secure united action in the Drainage of the low lands of the Hunter River District.
" 26	Certain Shareholders in the Newcastle Wallsend Coal Company	(51) Fifty-one.....	Mr. Wilson	{ Setting forth certain grievances as sustained by the Petitioners, arising out of negotiations with the Government, and praying inquiry with a view to relief.
" 23	Certain Sheepowners, resident in the District of New England.....	(5) Five	Mr. Gordon	{ Making certain suggestions with reference to the subject of Scab in Sheep.
" 23	Joshua Anderson, landowner, of West Maitland.....	(1) One	Mr. Weekes.....	{ Representing that the Coroner of the District of West Maitland had refused to hold an inquest respecting the destruction, by fire, of a Stack of Hay, belonging to Petitioner, at that place, and praying inquiry into the case.

Legislative Assembly Offices,
Sydney, 28 August, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 11.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863. Sept. 1	Rev. Robert Blain, Presbyterian Minister, late of Hinton, now of Sydney	(1) One	Mr. Eagar	{ Praying that the "Presbyterian College Bill may be rejected.
" 1	Certain Inhabitants of the Township of Hexham, in Public Meeting assembled.....	(130) One hundred and thirty	Mr. Sadleir	{ Complaining of the delay in opening the Railway Station at Hexham, and of the bad state of the approaches thereto; and praying inquiry into the matter.
" 2	Inhabitants of the Pastoral Districts and others interested in that part of the Colony of New South Wales, known as the "Riverine District."	(1,511) One thousand five hundred and eleven	Mr. Morris	{ Representing that, in consequence of the great distance of the District known as the "Riverine District" from the Central Government, and its vast extent, they labour under many inconveniences, as set forth in their Petition; and suggesting, therefore, the establishment of the District as a distinct one, with defined boundaries, on the same footing as Port Phillip before separation.
" 4	Thomas Cadell, of West Maitland, Auctioneer, as Chairman of a certain Public Meeting, held at West Maitland	(1) One	Mr. Weekes	{ In favour of the "Scab in Sheep Prevention Bill," with certain modifications.
" 4	James M'Intosh, of Redfern	(1) One.....	Dr. Lang	{ Relative to his claim to a certain allotment of land in George-street, Sydney, with a Messuage thereon, known as the "Bull's Head Public House."
" 4	Certain Individuals interested in Pastoral Pursuits	(54) Fifty-four	Mr. Robertson.....	{ Praying that the "Scab in Sheep Prevention Bill" may be passed with as little delay as the forms of the House will permit.
" 4	William Parnell, of Richmond Bottom, in the County of Cumberland, and of Charles Parnell, of Osterley, in the County of Northumberland	(2) Two	Mr. Cowper	{ Praying for leave to introduce a Bill to enable the Petitioners, as surviving Trustees of the Will of Thomas Parnell, deceased, to sell certain Sheep and Cattle Stations and Stock, being part of the Trust Property, and to invest the money to arise from such sale upon the Trusts of the said Will.

Legislative Assembly Offices,
Sydney, 4 September, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 12.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
Sept. 8	Inhabitants of the Town and District of Mudgee }	(659) Six hundred and fifty-nine .. }	Mr. Terry	{ Praying for Railway extension from Muswellbrook to Mudgee.
" 8	Certain Inhabitants of Good Dog, Jasper's Brush, and other parts of the north side of Shoalhaven River..... }	(72) Seventy-two .. }	Mr. Robertson....	{ Praying that a portion of the Sum Estimated for the formation of a Wharf at Terara, may be expended in forming Wharfs on the opposite side of Bomedary Ferry.
" 9	Certain Chemists, Druggists, and other Importers of Chemicals resident in the City and Port of Sydney	(15) Fifteen	Mr. Eagar	{ Praying for a modification of the Customs Rules in respect to the levying duty upon Spirits of Wine, not methylated with Naphtha.
" 9	Inhabitants of the City, Port, and District of Newcastle	(192) One hundred and ninety-two .. }	Mr. Hannell.....	{ Setting forth the advantages of Railway extension from Muswellbrook to Mudgee, and praying consideration of the subject.
" 9	Certain Sheepowners and others	(113) One hundred and thirteen	Mr. Morris	{ Against the "Scabin Sheep Prevention Bill," and praying that a Bill providing for the cure of scab, may be adopted by the House.
" 9	Certain Presbyterians of Minmi and its vicinity }	(40) Forty	Dr. Lang	{ Praying that the "Presbyterian College Bill" may be passed.
" 9	Certain Colonists of New South Wales	(54) Fifty-four }	Mr. Allen.....	{ Praying that in Curative Institutions to which Public Money is granted for the treatment and cure of disease, wards may be set apart for the use of such patients as may desire homoeopathic treatment, and that free access may be afforded thereto to properly qualified homoeopathic practitioners.
" 10	Edward Knox, of Sydney, Chairman of the Board of Directors of "The Colonial Sugar Refining Company"	(1) One.....	Mr. Samuel	{ Praying for leave to introduce a Bill to enable the Colonial Sugar Refining Company to sue and besued in the name of such Company, and to vest the property of the Company in the Trustees, for the time being, of such Company.

Legislative Assembly Offices,
Sydney, 11 September, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 13.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863. Sept. 15	Presbyterians of Young and Burrangong, or the Lambing Flat	(30) Thirty	Dr. Lang	{ Praying that the "Presbyterian College Bill" may be passed.
.. 15	Certain Presbyterians of Queanbeyan and its Vicinity	(24) Twenty-four ..	Dr. Lang	Similar prayer.
.. 15	William Bland, Surgeon ..	(1) One	Mr. Martin	{ Setting forth certain diversified and long-continued efforts made by the Petitioner for the welfare and advancement of the Colony, extending over nearly half a century, whereby he was subjected to much inconvenience and serious pecuniary loss; and praying further and favourable consideration of his case.
.. 15	Certain Labourers, Artizans, and others, lately employed on the Morpeth Railway	(73) Seventy-three ..	Mr. Close	{ Complaining of great hardship sustained by the Petitioners in consequence of the alleged sudden and unexpected insolvency of the Contractor, who, they state, was indebted to them in a large amount of wages; and praying for the stoppage of moneys which may be due to the Contractor, for the benefit of Petitioners, and relief otherwise under the circumstances.
.. 15	Certain Butchers of the City of Sydney and Suburbs	(135) One hundred and thirty-five ..	Mr. Caldwell	{ Representing that it would be of great advantage to the Community if Sunday selling by Butchers were prohibited by Law, the Petitioners themselves having for some time past closed their shops on the Sabbath Day, and proved the advantage of the system; and praying relief.
.. 15	Certain Bakers and others, inhabitants of Sydney and Environs	(65) Sixty-five	Mr. Dalgleish	{ Praying such a modification of the Law as will remove from the individual loaf the restriction respecting the weight thereof.
.. 15	Certain Cabinet Makers, Upholsterers, and other Importers of Varnish containing Spirit	(42) Forty two	Mr. Eagar	{ Praying that the House will refuse to agree to a Customs Duty on imported Varnish, containing Spirit.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
" 17	James Doyle	(1) One.....	Mr. Lucas	{ Complaining that the Police Authorities at Goulburn had neglected to afford the Petitioner due assistance towards the recovery of certain money and property stolen from him by two armed men, near Reid's Flat, on the Fish River, on the 19th February, 1862, and praying relief.
" 17	The Honorable George Henry Cox, of Mudgee, Clarendon Stuart, of Sydney, George Cox, of Mulgoa, and Charles Clarendon Cox, of Clarendon, near Windsor .. }	(4) Four	Mr. Holroyd	{ Praying for leave to introduce a Bill to enable the Petitioners, as trustees and <i>cestui que</i> trusts, under the Marriage Settlement of Charles Clarendon Cox and Louisa Stafford Stuart, to sell certain land and hereditaments, and to invest the money to arise from such sale upon the same or similar trusts to those now subsisting.
" 18	Certain Inhabitants of the } District of Shoalhaven.. }	(56) Fifty-six	Dr. Lang	{ In favour of the passing of the "Presbyterian College Bill."
" 18	Certain Inhabitants of } Balmain and its vicinity. }	(7) Seven	Dr. Lang	Similar Prayer.
" 18	R. J. Want, of Sydney, as Chairman of the Board of Directors of the Moruya Silver Mining Company }	(1) One	Mr. W. Forster ..	{ Praying for leave to introduce a Bill to incorporate the "Moruya Silver Mining Company," and to confer on the said Company such usual powers as may be necessary or desirable for the carrying on of the business of the said Company.
" 18	Samuel Gordon, of Macquarie Road, Newcastle }	(1) One	Mr. Driver	{ Complaining of the conduct of the Australian Agricultural Company, and praying the intervention of this House, with a view to obtaining the revocation by the Crown of all Charters and Grants hitherto made to or conferred upon that Company.

Legislative Assembly Offices,
Sydney, 18 September, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

[Price, 3d.]

Sydney: Thomas Richards, Government Printer.—1863.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 14.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
Sept. 22	John Brewster, of Sydney	(1) One.....	Mr. Wilson	{ Praying for leave to appear, by Counsel or Attorney, before the Select Committee to whom had been referred the Petition from certain Shareholders in the Newcastle Wallsend Coal Company, setting forth grievances connected with negotiations with the Government; and further praying that he might have leave to produce and give evidence with reference to the matter in the said Petition referred to.
„ 22	Certain Colonists of New South Wales	(52) Fifty-two.....	Mr. Allen.....	{ Praying that in Curative Institutions to which public money is granted for the treatment and cure of disease, wards may be set apart for the use of such patients as may desire homœopathic treatment, and that free access may be afforded thereto to properly qualified homœopathic practitioners.
„ 22	Certain Colonists of New South Wales	(12) Twelve	Mr. Allen.....	Similar prayer.
„ 22	Certain Members of the Church of England, residing at Falbrook, Jerry's Plains, and Warkworth	(117) One hundred and seventeen ..	Mr. Harpur	{ Against the passing of the "Public Education Bill."
„ 22	Certain Inhabitants of the Town of Singleton, and District of Patrick's Plains..	(148) One hundred and forty-eight ..	Mr. Arnold	{ In favour of the extension of a Branch Railway from the Great Northern Line towards Mudgee.
„ 22	Certain Inhabitants of the Towns and District of Morpeth, West Maitland, and East Maitland	(620) Six hundred and twenty.....	Mr. Darvall	Similar prayer.
„ 25	Certain Inhabitants of the Township and District of Sofala, in the County of Roxburgh	(247) Two hundred and forty-seven..	Mr. Wisdom	{ Representing that great inconvenience and risk of life result from there being no Bridge over the River Turon, at Sofala; and praying relief.
„ 25	Certain Pawnbrokers of Sydney	(18) Eighteen	Mr. Dalglish	{ Representing the condition of the Pawnbroking trade, and praying that the Petitioners' case may be taken into consideration in Legislating on this matter.

Legislative Assembly Offices,
Sydney, 25 September, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 15.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
Sept. 29	Hugh Henry Rose Lockyer	(1) One	Mr. W. Forster ..	{ Representing certain injuries sustained by the Petitioner, in the performance of his duty, as Mail Guard; and praying relief.
" 29	Certain Presbyterians in the City of Newcastle, and its vicinity	(34) Thirty-four....	Dr. Lang	{ In favour of the "Presbyterian College Bill."
" 30	Certain Inhabitants of the Town and District of Braidwood	(19) Nineteen.....	Mr. Garrett	{ Representing the great interruption caused to the traffic along the Road from Nelligen to Braidwood; and praying that it may be proclaimed a Main Road.
" 30	Certain Bakers, and others, Inhabitants of Sydney and environs	(110) One hundred } and ten	Mr. Dalgleish	{ Praying such a modification of the Law as will remove from the individual loaf the restriction respecting the weight thereof.
Oct. 1	Certain Producers and others, interested in the proposed wharf at Terrara	(303) Three hundred and three .. }	Mr. Robertson....	{ Representing the eligibility of Terrara, Shoalhaven River, as the site of a wharf; and praying that such site may not be altered.
" 2	The Mayor and Aldermen of the Municipal Council of Wollongong, under the Seal of the Corporation	(1) One	Mr. Garrett	{ Praying that a Bill of the nature of the "Municipalities Law Amendment Bill" may be passed.

*Legislative Assembly Offices,
Sydney, 2 October, 1863.*

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 16.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
Oct. 6	Robert M'Intosh, of Marsh Bank, Botany Road.....}	(1) One.....	Mr. Lucas	{ Setting forth the Petitioner's claim to certain Premises in Sydney, which formed the subject of a Petition, presented to this House in September last, by one James M'Intosh, which last-mentioned Petition was referred, on the 29th September, to the Select Committee now sitting on a Petition of Mr. John Busby; and praying that the said Petitioner, Robert M'Intosh, may have leave to appear in person, or by counsel, or attorney, before the said Select Committee, in reference to the Petition of the said James M'Intosh.
" 6	The Inhabitants of the Town and District of Hargraves .. }	(45) Forty-five	Mr. Wisdom	{ Setting forth the advantages of Railway Extension to Fort Bourke, <i>vid</i> Muswellbrook and Mudgee.
" 6	Joseph Collits, of the Bugabigil Run, Lachlan River, Wellington District, Grazier }	(1) One	Mr. Cunneen	{ Complaining of great losses alleged to have been sustained by the Petitioner, in consequence of the withdrawal from his Pastoral Lease, for the purposes of gold mining, of a considerable portion of the Bugabigil Run, including the water frontage; and praying consideration of his case, on the special ground that a large revenue has accrued to the Government by reason of such withdrawal.
" 8	Certain Presbyterians of Cowra and Fish River.....}	(19) Nineteen	Mr. Piddington ..	{ Praying for the rejection of the "Presbyterian College Bill."

Legislative Assembly Offices,
Sydney, 9 October, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 17.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
Oct. 20	Cyril Cecil, of Snail's Bay, } Balmain, Merchant	(1) One.....	Mr. Driver	{ Complaining of certain damage and disadvantage which the Petitioner alleges he has sustained, in the result of recent litigation between himself and Messrs. Molison and Black, of Bridge-street, Sydney, Merchants, in consequence of expressions of opinion made on the Bench by His Honor the Chief Justice;—and praying that justice may be done in the premises.
„ 20	Certain Mechanics, Traders, } and Labourers, on the No. 3 } Extension of the Great } Southern Railway	(91) Ninety-one	Mr. Macpherson ..	{ Representing that the Petitioners have been unexpectedly thrown out of employment, by the failure of the Contractors, with a considerable amount of wages due to them, whereby they are reduced to great destitution; and praying for inquiry and relief.
„ 20	R. Y. Cousins, Mayor, as Chair- } man of a certain Public } Meeting, stated to have been } held at Bathurst	(1) One	Mr. Cummings ..	{ Urging strongly the advantages of Railway Extension between New South Wales and Victoria; and praying that, in the consideration of this subject, the best and cheapest line between Bathurst and Goulburn and the River Murray, should be ascertained by actual survey.

Legislative Assembly Offices,
Sydney, 23 October, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 18.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
Nov. 24	Inhabitants of the Township and District of Cobbora	(26) Twenty-six	Mr. Lord	{ In favour of Railway Extension to Fort Bourke, <i>via</i> Muswellbrook and Mudgee.
„ 25	Certain Proprietors, Manufacturers, Tenants, and others interested in and resident at Darling Harbour	(39) Thirty-nine....	Mr. Dalgleish	{ Complaining of obstructions to the navigation of Darling Harbour, caused by the Pymont Bridge, and praying for their speedy removal.
„ 25	James M'Intosh, of Redfern....	(1) One	Dr. Lang	{ Referring to his former Petition which, on the 29th September last, was referred to the Select Committee then and now sitting on the claims of Mr. John Busby; and praying the Petitioner may be allowed to examine witnesses in the Room personally, and to call for papers, and otherwise conduct the inquiry in the matter on his own behalf.
„ 25	Certain Saddlers, Harness-makers, Curriers, Tanners, Boot and Shoe Makers, and others engaged in the manufacture of Leather	(338) Eight hundred and thirty-eight..}	Mr. Love	{ Praying for the imposition of Protective Duties on the various articles manufactured by the Petitioners.
„ 25	Certain Coachmakers and others engaged in the Trade.}	(226) Two hundred and twenty-six .. }	Mr. Caldwell	{ Praying for the imposition of a Protective Duty on imported Carriages, and other material connected therewith.

Legislative Assembly Offices,
Sydney, 27 November, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 19.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
Dec. 2	Certain Cabinetmakers and others connected with the Trade, resident in Sydney ..	(250) Two hundred and fifty	Mr. Lucas	{ Praying for the imposition of a Duty on Imported Furniture.
„ 2	Certain Inhabitants of Sydney	{ (4,343) Four thousand three hundred and forty-three	Mr. Allen	{ In favour of the imposition of Protective Duties.
„ 2	Certain Master and Operative Tailors of Sydney and the various suburbs	(201) Two hundred and one	Mr. Allen	Similar prayer.
„ 2	Certain Inhabitants of St. Mary's, South Creek	(199) One hundred and ninety-nine ..	Mr. Stewart	Similar prayer.
„ 2	Certain Inhabitants of Newtown	(198) One hundred and ninety-eight }	Mr. Holt	Similar prayer.
„ 2	Certain Citizens of Sydney ..	{ (115) One hundred and fifteen	Mr. Driver	{ Praying that the Reserve on Queen's Wharf, Sydney, for Harbour Steamers, alleged to have been promised by the Executive, be not granted.
„ 2	Signed by James Reid Maxwell, for himself and certain other Petitioners	(1) One	Mr. Driver	{ Complaining of the loss, by burglary at the Post Office, Sofala, of certain letters and sums of money belonging to the Petitioners; and praying consideration of and action in the matter.

Legislative Assembly Offices,
Sydney, 4 December, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 20.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
Dec. 8	Certain Merchants and others	(2,310) Two thousand three hundred and ten	Mr. Samuel	Against the proposed new Tariff.
" 8	Certain Stockholders and Inhabitants of the south-eastern portion of Monaro, and others interested	(67) Sixty-seven....	Mr. Garrett	Representing that the south-eastern portion of the Monaro District will be now open to the spread of the disease of Pleuro-pneumonia, in consequence of the expiration of the Law and Regulations in that respect, and the consequent inability of the District Inspector to continue to act; and praying relief.
" 8	Mary Singleton, widow of the late Benjamin Singleton, of Singleton, Hunter's River..}	(1) One	Mr. Dangar	Setting forth, as sole legatee of her late husband, a claim arising from the erection by him of buildings for a Court House and Lock-up at Singleton, in 1841; and praying relief.
" 8	Certain Sharebrokers and others	(11) Eleven.....	Mr. Darvall.....	Against the proposed Stamp Duty on Transfers of Shares.
" 9	Certain Inhabitants of Parramatta	(141) One hundred and forty-one....}	Mr. Raper	In favour of Protective Duties.
" 9	Certain Inhabitants of Paddington, Woollahra, Point Piper, and Rushcutter's Bay}	(83) Eighty-three ..	Mr. Terry	Similar prayer.
" 9	Certain Merchants and others	(543) Five hundred and forty-three ..}	Mr. Samuel	Against the proposed new Tariff.
" 9	David Jones	(1) One.....	Mr. Love	Similar prayer.
" 10	Inhabitants of Sutton Forest and its neighbourhood in the Berrima District	(44) Forty-four	Mr. Morrice.....	Complaining of the removal of the Post Office, Sutton Forest, from the main road to an isolated position in the bush; and praying its restoration to any suitable spot on the main road in the settlement of Sutton Forest.
" 11	James Byrn Richards, of Bathurst, Surveyor and Commissioner of Crown Lands..}	(1) One	Mr. Martin	Praying that he may be allowed to participate in the advantages of the "Public Service Superannuation Bill," from which, he alleges, he is excluded.

Legislative Assembly Offices,
Sydney, 11 December, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 21.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
Dec. 15	Certain Inhabitants of the District of Hartley	(403) Four hundred and three	Mr. Lucas	{ Indicating a certain route as the best for the line of Railway between Blackheath and Bathurst; and praying that that route may be adopted which may be of the greatest public service.
„ 15	Certain Merchants and others {	(114) One hundred and fourteen }	Mr. Samuel	{ Against the proposed new Tariff, especially the <i>ad valorem</i> duties.
„ 15	Certain Inhabitants of Goulburn and the surrounding Districts..... }	(864) Eight hundred and sixty-four	Mr. Alexander.... }	{ Praying for the speedy construction of the Line of Railway from Goulburn to Albury, and suggesting that the works be "placed, by tender, in the hands of one enterprising firm," rather than let out piecemeal to a number of small contractors.
„ 15	Certain Mechanics and Producers of Goulburn	(138) One hundred and thirty-eight.. }	Mr. Allen..... }	{ In favor of the proposed <i>ad valorem</i> duties on imported goods, as affording protection to the trade of the Colony; and praying that a measure may be passed insuring such protection.
„ 17	Certain Inhabitants of Maitland..... }	(680) Six hundred and eighty	Mr. Eckford..... }	{ Praying for such a measure of protection of native industry as may foster the Manufactures and Husbandry of the Colony.
„ 17	Certain Colonists in the Electorate of The Hume, and in the Border Districts	(691) Six hundred and ninety-one .. }	Mr. Macleay }	{ Setting forth certain advantages which would accrue from an extension of the Southern Railway from Goulburn to Albury, as the route most favourable for a further extension to Melbourne.

Legislative Assembly Offices,
Sydney, 18 December, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 22.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863.				
Dec. 22	Certain Importers of Boots and Shoes	(32) Thirty-two.....	Mr. Samuel	{ Against the proposed Duty on Boots and Shoes.
„ 22	Robert Stewart	(1) One	Mr. Tighe	{ Setting forth his claim to a Grant of Land in the District of Illawarra, stated to have been promised by Governor Macquarie to his late father, William Stewart; and praying inquiry, with a view to justice being done in the matter.
„ 23	Alexander B. Black	(1) One	Mr. Harpur	{ Representing that, at the instance of the late Minister for Lands, he bestowed much time, labour, and expense, in drawing up certain Reports having reference to Fisheries,—which Reports were laid before the Select Committee of the House on the “ Fisheries Protection Bill,” during the last Session, but remained inoperative in consequence of the Committee not having reported prior to the Prorogation of Parliament; and praying relief.

Legislative Assembly Offices,
Sydney, 24 December, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 23.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1863. Dec. 29	Certain Directors and Shareholders of the Bank of New South Wales	(4) Four	Mr. Martin	{ Praying for leave to introduce a Bill to amend the Act of Incorporation of the Bank of New South Wales.
.. 29	Certain Merchants and Bankers	(39) Thirty-nine ..	Mr. Darvall	Against the proposed new Tariff.
.. 29	Certain Presbyterians of Pyrmont, in the City of Sydney and its vicinity	(19) Nineteen.....	Dr. Lang	{ Praying that the Presbyterian College Bill may be passed.
.. 30	Inhabitants of the Manning River District.....	(76) Seventy-six ..	Mr. Piddington ..	{ Setting forth the want of a Bridge over the Cedar Party Creek at Wingham, and praying relief.
.. 30	Certain Tradesmen, Storekeepers, Laborers, Butchers, Bakers, and Carriers, on the Great Southern and Western Railways	(339) Three hundred and thirty-nine.....	Mr. Leary	{ Praying, for the reasons in the Petition set forth, the establishment of fortnightly payments instead of the system which at present prevails.

Legislative Assembly Offices,
Sydney, 31 December, 1863.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 24.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864. Jan. 5	W. R. Riley, Proprietor of the <i>Goulburn Herald</i> , and L. T. Mellin, Proprietor of the <i>Goulburn Chronicle</i>	(2) Two	Mr. Alexander ..	{ Against the proposed Postage Rate on Newspapers.
.. 5	Certain Persons employed in the offices of the Goulburn Newspapers.....	(19) Nineteen	Mr. Alexander ..	Similar Prayer.
.. 6	Certain Journeymen Printers residing in Sydney	(136) One hundred and thirty-six ..	Mr. Garrett	Similar Prayer.
.. 7	Cyril Cecil, of Snail's Bay, Balmain, Merchant	(1) One	Mr. Driver	{ Complaining of certain damage and disadvantage which Petitioner alleges he has sustained in the result of recent litigation between himself and Messrs. Molison and Black, of Bridge-street, Sydney. Merchants, in consequence of expressions of opinion made on the Bench by His Honor the Chief Justice, and praying that justice may be done in the premises.
.. 8	Manus Strain and party, Gold Miners, of Kiandra (signed by Manus Strain and Morrice Goulstone)	(2) Two	Mr. Wisdom	{ Complaining of injustice done to Petitioners at the Kiandra Gold Fields by Mr. Sub-Gold Commissioner Cooper, as in the Petition set forth; and praying redress.

Legislative Assembly Offices,
Sydney, 8 January, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 25.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864. Jan. 13	Certain Inhabitants of the Village of Collector	(128) One hundred and twenty-eight }	Mr. Emanuel	{ Against the proposed Postage Rate on Newspapers.
„ 13	Certain Inhabitants of the Town and District of Goulburn	(640) Six hundred and forty	Mr. Alexander ..	Similar prayer.
„ 14	Certain Magistrates, Gentry, Landholders, Tenant Farmers, and other Residents of Shoalhaven	(231) Two hundred and thirty-one .. }	Mr. Robertson....	{ Against the proposed construction of a Wharf at Terrara, and praying that Bummadari Ferry may be substituted for that place as the site of the proposed Wharf.
„ 14	Certain Inhabitants of Maitland, Morpeth, Paterson, Clarence Town, Dungog, Largs, Bolwarra, Mulbring, and their Vicinities	(1,724) One thousand seven hundred and twenty-four	Mr. Darvall	{ Praying that, for the reasons in the Petition set forth, the works at the Bridge over the River Hunter at Pitnacree, may be continued, in preference to the erection of a Bridge at "The Falls," West Maitland.

Legislative Assembly Offices,
Sydney, 15 January, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 26.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864.				
Jan. 19	Certain Consumers of Boots and Shoes	(2,601) Two thousand six hundred and one.....	Mr. Samuel	{ Against the proposed Import Duty on Boots and Shoes.
.. 19	Certain Residents of Pitt Town	(76) Seventy-six....	Mr. Cunneen	{ In favor of the vesting of the Church and School Lands in Trustees for the support of Religion and Education.
.. 20	Certain Consumers of Boots and Shoes, residents of Goulburn and surrounding District	(149) One hundred and forty-nine ..	Mr. Emanuel	{ Against the proposed Import Duty on Boots and Shoes.
.. 20	Certain Consumers of Boots and Shoes	(485) Four hundred and thirty-five..	Mr. Samuel	Similar prayer.
.. 20	Certain Inhabitants of Taralga	(100) One hundred..	Dr. Lang	{ Against the Proposed Postage Rate on Newspapers.

Legislative Assembly Offices,
Sydney, 22 January, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 27.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864.				
Jan. 27	Certain Inhabitants of Wilberforce and the vicinity }	(69) Sixty-nine	Mr. Cunneen	{ In favor of the vesting of the Church and School Lands in Trustees for the support of Religion and Education.
" 27	The Ex-Aldermen of the Shoalhaven Municipality.. }	(6) Six	Mr. Robertson....	{ Representing that, the Supreme Court having declared the Shoalhaven Municipality to have been illegally constituted, an Injunction had been obtained by Alexander Berry, Esq., a Ratepayer, to restrain the Corporation from acting as a municipal body; and that, since the Injunction was made absolute, Mr. Berry had caused execution to issue against the Petitioners, for costs incurred by himself in the matter of the Injunction; and praying redress.
" 27	Certain Inhabitants of Sutton Forest	(28) Twenty-eight..	Mr. Morrice.....	{ Against the proposed Postage Rate on Newspapers.
" 27	William Gallum, A. Campbell, and Edward Ryan, late Overseers of Minor Roads }	(3) Three	Mr. Robertson....	{ Complaining of their dismissal from office, and praying redress.
" 27	Certain Residents of Sackville Reach, Hawkesbury River, and the neighbourhood	(28) Twenty-eight..	Mr. Cunneen	{ In favor of the vesting of the Church and School Lands in Trustees for the support of Religion and Education.
" 29	Certain Inhabitants of Queanbeyan and Braidwood }	(182) One hundred and eighty-two	Mr. Redman	{ Against the proposed Postage Rate on Newspapers.

Legislative Assembly Offices,
Sydney, 29 January, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1868-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 28.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864. Feb. 5	Certain Inhabitants of the } Manning River	(215) Two hundred } and fifteen	Mr. Garrett	{ Adverse to the claim made by Miss Kelly for compensation for certain losses and injuries stated to have been sustained by her.
.. 5	Certain Employés of the <i>Free-</i> } <i>man's Journal</i> Newspaper.. }	(20) Twenty	Mr. Egan	{ Against the proposed Postage Rate on Newspapers.

Legislative Assembly Offices,
Sydney, 5 February, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 29.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864. Feb. 10	Thomas Bell Gibbons, Store-keeper, of Burrowa	(1) One	Mr. Driver	{ Complaining of damage alleged to have been sustained by him, arising from an unfavourable Report made to the Government, by Mr. Commissioner Beckham, in reference to certain Crown Land, for a lease of which the Petitioner had applied; and praying investigation and relief.
„ 12	Certain Inhabitants of Mulgoa and Greendale.....	(15) Fifteen.....	Mr. Macpherson ..	{ Praying that the Church and School Lands Trust Bill may pass.

Legislative Assembly Offices,
Sydney, 12 February, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 30.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864. Feb. 18	Robert Stewart	(1) One	Mr. Tighe	{ Praying for leave to appear personally, or by Counsel, or Agent, before the Select Committee now sitting, to whom his former Petition, respecting his claim to land in Illawarra was referred, and that he may be at liberty to produce and give evidence before such Select Committee, with reference to the matters in the said first-mentioned Petition.

*Legislative Assembly Offices,
Sydney, 19 February, 1864.*

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 31.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864. Feb. 24	Alexander Brand, late of Nattai, near Berrima, now of No. 165, South Head Road, Sydney	(1) One	{ Mr. C. Cowper, junior	{ Detailing certain grievances, alleged to have been sustained by the Petitioner; and praying investigation and relief.
" 24	Robert Crowther, James Randle, and D. G. Clarke ..	(3) Three	{ Mr. C. Cowper, junior	{ Representing themselves as late Overseers of Minor Roads, complaining of their alleged summary discharge from their offices; and praying redress.
" 26	Certain Farmers in the County of Cumberland, and District of Liverpool	(51) Fifty-one	Mr. Macpherson..	{ Representing that, in consequence of the late dry season, and the visitation of Rust in Crops, the Petitioners have been reduced to so great distress, as to be unable to pay the Government for the Seed supplied to them on credit; and praying relief.

Legislative Assembly Offices,
Sydney, 26th February, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 32.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864. March 10	Thomas Larkin and Robert Pooley, of Picton	(2) Two	Mr. Caldwell	Detailing certain grievances, alleged to have been sustained by the Petitioners, arising out of a Contract on the part of one Spencer Sivyler, for whom they became sureties for the construction and metalling of a portion of the Southern Road, in Bargo,—part of which work, on the failure of the original contractor, they undertook on their own account; and praying relief.

Legislative Assembly Offices,
Sydney, 11th March, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 33.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864.				
March 15	Tradesmen, Publicans, Masons, Quarrymen, and Labourers, Inhabitants of the District of Bathurst	(284) Two hundred and eighty-four..	Mr. Leary	{ Complaining of the existence of Tommy or Truck and Sly-grog shops on Railway Lines, and praying for the revision of the Railway Contract System, with a view to the security of the men employed, against fraud in the matter of their wages.
" 18	Inhabitants of District of Liverpool and surrounding Districts.....	(367) Three hundred and sixty-seven	Mr. Macpherson ..	{ In favour of the Church and School Lands Trust Bill.

Legislative Assembly Office,
Sydney, 18th March, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 34.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864.				
March 22	Tom Dight Mackenzie, of Paddington, late Sub-Collector of Customs at Albury ..	(1) One	Mr. Garrett	{ Complaining of his dismissal from the Department of the Customs, and praying for investigation and justice in the case.
" 24	Queensland Steam Navigation Company	(3) Three	Mr. Leary	{ Praying for leave to introduce a Bill to incorporate the Queensland Steam Navigation Company.
" 24	Municipal Council of Bathurst, bearing the signature of the Mayor, and the Seal of the Corporation	(1) One	Mr. Driver	{ Praying for leave to introduce a Bill to transfer the Bathurst Market to the Municipal Council of Bathurst.

Legislative Assembly Offices,
Sydney, 24th March, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 35.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864. March 30	John Leopold Young, of Kent- street North, Master Mariner }	(1) One	Mr. Darvall.....	{ Representing that he has been reduced to destitution by his detention in Sydney, as a Witness in the case of the late trial of T. C. Chubb, for forgery ; and praying relief.
.. 31	Certain Traders, Mechanics, Artizans, and others, of the City of Goulburn	(401) Four hun- dred and one }	Mr. Lucas	{ Against the removal of the Site of the Goulburn Railway Terminus, from the north-eastern end of the City, in close proximity with the Fitz Roy Bridge, to the Reserve in that part of the City opposite Clinton-street.
.. 31	Michael Kearns, of Wiseman's Creek, near Bathurst, farmer }	(1) One	Mr. Driver	{ Representing that in January, 1862, Petitioner free-selected certain Land at Wiseman's Creek, and paid the instalment thereon required by the Regulations, with a fee for the deed ;—that in June, 1862, his selection was cancelled on the ground that it was within a Gold Field ;—that in October, 1863, he was informed by the Acting Surveyor General that the cancellation had been revoked ;—that between the cancellation and its revocation he had made other arrangements incompatible with the selection referred to, and had therefore applied for the restoration of his deposit money, amounting to eleven pounds, which, up to the present time, he has not been able to obtain ;—and praying for relief and justice in the premises.

Legislative Assembly Offices,
Sydney, 1 April, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 36.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864. April 12	David Moores, late Foreman of the Stationery Department of the Government Stores	(1) One	Mr. Dangar	Representing that Petitioner's services in the employment of the Government were dispensed with under the circumstances in the Petition set forth; and that, in consequence of their being so dispensed with (not from incapacity or misconduct on his part), he has suffered serious injury;—and praying favourable consideration of his case.
" 13	Certain Inhabitants of Goulburn	(21) Twenty-one....	Mr. Alexander ..	In favour of fixing the Goulburn Railway Terminus on the Reserve, on the western side of the Mulwarree Ponds, rather than in the vicinity of the Fitz Roy Bridge.
" 14	Certain Presbyterians and other Protestants residing in the Macquarie Gold Fields	(48) Forty-eight....	Dr. Lang	Praying that the Presbyterian College Bill may be passed.
" 14	Certain Presbyterian Inhabitants of Nerrigundah and its vicinity	(9) Nine	Dr. Lang	Similar prayer.
" 15	Eliza Milford Callaghan, of Sydney, widow of the late Mr. District Court Judge Callaghan	(1) One	Mr. Darvall.....	Representing that by the untimely death of Petitioner's late husband (who, had he lived, would have been entitled, under the Act 4 and 5 Gul. IV., cap. 24, to a considerable Superannuation Allowance on his retirement from office), she and her three young children are left in a state of almost entire destitution;—and praying relief.
" 15	Signed by Henry Moss, as "late Mayor, for and on behalf of the late Members of the Shoalhaven Municipality"	(1) One	Mr. Garrett	Representing that the late Aldermen are threatened to be sued for legal expenses incurred by them in the matter of an injunction obtained by Alexander Berry, Esq., restraining the late Corporation from acting as a Municipal Body—having already been subject to an execution issued by Mr. Berry, for costs incurred by himself in the matter of the said injunction;—and praying relief.

Legislative Assembly Offices,
Sydney, 15 April, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

No. 37.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1864. April 20	Certain Citizens of Sydney and the Colony of New South Wales	(12) Twelve	Mr. Caldwell	{ Against the present mode of traffic in intoxicating liquors, and in favor of a Permissive Liquor Law.
" 20	Certain Farmers in the County of Cumberland and Districts of Baulkham Hills, Castle Hill, and Dural	(31) Thirty-one	Mr. Macpherson ..	{ Representing the Petitioner's inability, in consequence of adverse seasons, to repay the supplies of Seed Wheat and Oats obtained by them from the Government; and praying relief.
" 20	Ellen Rosa Pegus, of Sydney, widow of Campbell John Pegus, late of Her Majesty's Customs	(1) One.....	Dr. Lang	{ Representing that Petitioner's late husband's death was accelerated by many privations, suffered by him on Gabo Island, and that she is left totally destitute, with four young daughters; and praying relief.

Legislative Assembly Offices,
Sydney, 22 April, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

P E T I T I O N S .

GENERAL SUMMARY of the Weekly Abstracts of PETITIONS received by the Legislative Assembly during the Session of 1863-4.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1863. Bridges.					
Sept. 25 ..	Certain Inhabitants of the Township and District of Sofala, in the County of Roxburgh	(247) Two hundred and forty-seven..	Mr. Wisdom ..	{ Representing that great inconvenience and risk of life result from there being no Bridge over the River Turon, at Sofala; and praying relief	} Printed.
Nov. 25 ..	Certain Proprietors, Manufacturers, Tenants, and others interested in and resident at Darling Harbour	(39) Thirty-nine	Mr. Dalgleish ..	{ Complaining of obstructions to the navigation of Darling Harbour, caused by the Pyrmont Bridge; and praying for their speedy removal.....	} Printed.
Dec. 30 ..	Inhabitants of the Manning River District	(76) Seventy-six	Mr. Piddington	{ Setting forth the want of a Bridge over the Cedar Party Creek, at Wingham; and praying relief.....	} Printed.
1864.					
Jan. 14 ..	Certain Inhabitants of Maitland, Morpeth, Paterson, Clarencetown, Dungog, Largs, Bolwarra, Mulbring, and their Vicinities	(1,724) One thousand seven hundred and twenty-four	Mr. Darvall	{ Praying that, for the reasons in the Petition set forth, the works at the Bridge over the River Hunter, at Pitnacree, may be continued, in preference to the erection of a Bridge at "The Falls," West Maitland	} Printed.
1863. Education.					
July 14 ..	Certain Teachers of National and Denominational Schools in Sydney and its Suburbs	(12) Twelve	Mr. Dalley	{ Relative to Schools and Schoolmasters, praying for the embodiment of certain resolutions, as in the Petition set forth, in any Education Bill which may be passed into law	} Printed.
„ 24 ..	Certain Teachers in and around Albury	(4) Four.....	Mr. Mate	{ Praying that the "Public Education Bill" may be modified, so as to meet the Petitioners' views, as in the Petition set forth	} Printed.
„ 29 ..	Certain Members of the Church of England, holding the position of Members of Local Boards for the Management of Schools in the various Parishes	(38) Thirty-eight.....	Mr. Smart	{ Adverse to the "Public Education Bill".....	} Not printed.
„ 30 ..	Roman Catholic Archbishop, and Clergy of Sydney	(13) Thirteen.....	Mr. Faucett.....	Similar prayer	Printed.
„ 31 ..	The Local Board of Education, in connection with the Church of England, at Wollongong ..	(5) Five	{ Mr. C. Cowper, junr.	{ Similar prayer	} Printed.
Aug. 5 ..	Certain National Teachers, of the District of Shoalhaven.....	(6) Six	Mr. Robertson..	{ Praying that in the "Public Education Bill" the duties of Teachers may be defined	} Not printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1863.	Education—continued.				
Aug. 5 ..	Clergyman, Churchwardens, and Parishioners of St. Mary's Parish, West Maitland	(36) Thirty-six	Mr. Weekes	{ Praying for the introduction of certain provisions, respecting School Premises, into the "Public Education Bill"	{ Printed.
" 7 ..	Certain Residents in the District of Muswellbrook	(68) Sixty-eight ..	{ Mr. Harpur, on behalf of Mr. Dangar	{ Praying for the introduction of certain provisions into the "Public Education Bill"	{ Printed.
" 7 ..	Certain Teachers, of various Denominations, in the District of Illawarra	(3) Three	Mr. Gray	Similar prayer	Printed.
" 7 ..	Certain Residents in the Districts of Merton and Muswellbrook	(28) Twenty-eight..	{ Mr. Harpur, on behalf of Mr. Dangar	{ Similar prayer	{ Printed.
" 11 ..	Certain Residents in the District of Patrick's Plains	(50) Fifty	Mr. Harpur	{ Adverse to the "Public Education Bill"	{ Printed.
" 11 ..	Certain Residents of the District of Raymond Terrace	(39) Thirty-nine ..	Mr. Sadleir	Similar prayer	Printed.
" 18 ..	Certain Residents in the District of East Maitland	(14) Fourteen	Mr. Darvall	Similar prayer	Printed.
" 18 ..	Certain Residents in the District of Paterson	(34) Thirty-four ..	Mr. Arnold	Similar prayer	Printed.
" 18 ..	Certain Residents in the District of Port Stephens	(37) Thirty-seven..	{ Mr. Cunneen, on behalf of Mr. Allen	{ Similar prayer	{ Printed.
" 18 ..	Certain Residents of Dungog and Bendolba	(13) Thirteen	{ Mr. Cunneen, on behalf of Mr. Allen	{ Similar prayer	{ Printed.
" 18 ..	Certain Residents in the District of Hexham and Alnwick	(51) Fifty-one	Mr. Tighe	Similar prayer	Printed.
" 19 ..	Thomas Spence, as Chairman of a certain Public Meeting held at the Temperance Hall, Sydney..	(1) One	Mr. Eagar	{ Praying that no Education Bill may be passed which does not provide for free Education	{ Not printed.
" 19 ..	Certain Residents in the District of Wollombi	(23) Twenty-three ..	Mr. Eckford	{ Adverse to the passing of the "Public Education Bill" in its present shape	{ Printed.
" 20 ..	Certain Residents of the District of the Manning River	(45) Forty-five	Mr. Flett	Similar prayer	Printed.
" 21 ..	Certain Roman Catholics of Singleton and Patrick's Plains.	(135) One hundred and thirty-five ..	Mr. Harpur	Similar prayer	{ Not printed.
" 25 ..	Certain residents in the District of Port Macquarie and Macleay	(110) One hundred and ten	Mr. Rusden	Similar prayer	Printed.
Sept. 22 ..	Certain Members of the Church of England, residing at Falbrook, Jerry's Plains, and Warkworth	(117) One hundred and seventeen ..	Mr. Harpur	Similar prayer	Printed.
	Grievances.				
June 23 ..	Richard Peard, late of the Goulburn Police Force	(1) One	Mr. Alexander ..	{ Complaining of certain delays and disappointments which he has experienced in his endeavour to participate in the advantages of the Police Pension or Reward Fund	{ Not printed.
" 24 ..	Samuel Hawkins, T. H. Wingrove, and James Martin, the Shareholders of the "Home-ward Bound Company," New Chum Hill, Kiandra	(3) Three	Mr. Wilson	{ Representing that they have suffered great pecuniary loss in gold mining operations in connection with a certain water privilege at Kiandra, in consequence of various orders and decisions of Mr. Sub-Commissioner Cooper; and praying relief	{ Printed.
" 25 ..	Amelia Campbell Reynolds, of Maitland, Widow	(1) One	Mr. Darvall	{ Complaining of the inadequacy of the compensation allowed to her for the destruction of a large number of her sheep, under the provisions of the Scab Act (24 Vic., No. 9); and praying relief ..	{ Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1863.	Grievances—continued.				
June 30 ..	Robert Melville	(1) One	Mr. Wilson	{ Complaining of injuries, as in the Petition set forth, sustained by him, in consequence of his having been incarcerated and otherwise dealt with as a Lunatic; and praying inquiry into the circumstances of his case, and redress .. }	} Printed.
July 2 ..	Nathaniel Lipscombe Kentish ..	(1) One	Mr. Harpur	{ Relative to his dismissal from the office of Clerk of Petty Sessions at Molong,—which formed the subject of a Petition submitted by him in a former Session; and praying a consideration of his case .. }	} Printed.
„ 10 ..	Robert Stewart	(1) One	Mr. Mate	{ Setting forth his claim to certain land near Broken Bay, alleged to have been promised to his late Father, by Governor Macquarie, but now withheld from Petitioner; and praying such inquiry into his case, as may be deemed necessary for the ends of justice .. }	} Printed.
„ 15 ..	James W. Thomas, of Sydney ..	(1) One	Mr. Driver ..	{ Complaining of the wrongful withholding from him, by the Police, of certain property; and praying relief .. }	} Not printed.
„ 17 ..	Martin Gardiner	(1) One	Mr. Dalgleish ..	{ Detailing certain grievances which he has sustained in connection with the Railway Department; and praying inquiry into the circumstances of his case .. }	} Not printed.
„ 21 ..	Arthur Arlington Abbott, late Sub-Inspector of Police ..	(1) One	Mr. W. Forster ..	{ Praying that the manner of his removal from the Public Service may be inquired into .. }	} Printed.
„ 30 ..	Thomas Cook, J.P., late of the River Williams, now residing in Sydney ..	(1) One	Mr. W. Forster ..	{ Complaining of injury sustained by him, arising out of his loss of Office, as Police Magistrate of the Upper Williams River, in 1843; and praying redress .. }	} Printed.
Aug. 26 ..	Certain Shareholders in the Newcastle Wallsend Coal Company ..	(51) Fifty-one	Mr. Wilson	{ Setting forth certain grievances as sustained by the Petitioners, arising out of negotiations with the Government, and praying inquiry with a view to relief .. }	} Printed.
„ 28 ..	Joshua Anderson, landowner, of West Maitland ..	(1) One	Mr. Weekes	{ Representing that the Coroner of the District of West Maitland had refused to hold an inquest respecting the destruction, by fire, of a Stack of Hay belonging to Petitioner, at that place, and praying inquiry into the case .. }	} Printed.
Sept. 17 ..	James Doyle	(1) One	Mr. Lucas	{ Complaining that the Police Authorities at Goulburn had neglected to afford the Petitioner due assistance towards the recovery of certain money and property stolen from him by two armed men, near Reid's Flat, on the Fish River, on the 19th February, 1862; and praying relief .. }	} Printed.
„ 29 ..	Hugh Henry Rose Lockyer	(1) One	Mr. W. Forster ..	{ Representing certain injuries sustained by the Petitioner, in the performance of his duty, as Mail Guard; and praying relief .. }	} Printed.
Oct. 6 ..	Joseph Collits, of the Bugabigil Run, Lachlan River, Wellington District, Grazier ..	(1) One	Mr. Cunneen ..	{ Complaining of great losses alleged to have been sustained by the Petitioner, in consequence of the withdrawal, from his Pastoral Lease, for the purposes of gold mining, of a considerable portion of the Bugabigil Run, including the water frontage; and praying consideration of his case, on the special ground that a large revenue has accrued to the Government by reason of such withdrawal .. }	} Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1863.	Grievances—continued.				
Oct. 20 ..	Cyril Cecil, of Snail's Bay, Balmain, Merchant	(1) One	Mr. Driver	{ Complaining of certain damage and disadvantage which the Petitioner alleges he has sustained, in the result of recent litigation between himself and Messrs. Molison and Black, of Bridge-street, Sydney, Merchants, in consequence of expressions of opinion made on the Bench by His Honor the Chief Justice; and praying that justice may be done in the premises }	} Not printed.
Dec. 2 ..	Signed by James Reid Maxwell, for himself and certain other Petitioners.....	(1) One	Mr. Driver	{ Complaining of the loss, by burglary, at the Post Office, Sofala, of certain letters and sums of money belonging to the Petitioners; and praying consideration of and action in the matter	} Printed.
" 8 ..	Mary Singleton, widow of the late Benjamin Singleton, of Singleton, Hunter's River	(1) One	Mr. Dangar	{ Setting forth, as sole legatee of her late husband, a claim arising from the erection by him of buildings for a Court House and Lock-up at Singleton, in 1841; and praying relief	} Printed.
" 10 ..	Inhabitants of Sutton Forest and its neighbourhood, in the Berrima District	(44) Forty-four.....	Mr. Morrice	{ Complaining of the removal of the Post Office, Sutton Forest, from the main road to an isolated position in the bush; and praying its restoration to any suitable spot on the main road, in the settlement of Sutton Forest	} Not printed.
" 22 ..	Robert Stewart	(1) One	Mr. Tighe	{ Setting forth his claim to a Grant of Land in the District of Illawarra, stated to have been promised by Governor Macquarie to his late father, William Stewart; and praying inquiry, with a view to justice being done in the matter. }	} Printed.
" 23 ..	Alexander B. Black	(1) One	Mr. Harpur	{ Representing that, at the instance of the late Minister for Lands, he bestowed much time, labour, and expense in drawing up certain Reports having reference to Fisheries,—which Reports were laid before the Select Committee of the House on the "Fisheries Protection Bill," during the last Session, but remained inoperative in consequence of the Committee not having reported prior to the Prorogation of Parliament; and praying relief	} Printed.
1864.					
Jan. 7 ..	Cyril Cecil, of Snail's Bay, Balmain, Merchant	(1) One	Mr. Driver	{ Complaining of certain damage and disadvantage which Petitioner alleges he has sustained in the result of recent litigation between himself and Messrs. Molison and Black, of Bridge-street, Sydney, Merchants, in consequence of expressions of opinion made on the Bench by His Honor the Chief Justice; and praying that justice may be done in the premises }	} Printed.
" 8 ..	Manus Strain and party, Gold Miners, of Kiandra (signed by Manus Strain and Morice Goulstone).....	(2) Two	Mr. Wisdom ..	{ Complaining of injustice done to Petitioners at the Kiandra Gold Fields by Mr. Sub-Gold Commissioner Cooper, as in the Petition set forth; and praying redress .. }	} Printed.
" 27 ..	William Gallum, A. Campbell, and Edward Ryan, late Overseers of Minor roads.....	(3) Three	Mr. Robertson..	{ Complaining of their dismissal from office, and praying redress	} Printed.
Feb. 10 ..	Thomas Bell Gibbons, Storekeeper, of Burroya	(1) One	Mr. Driver	{ Complaining of damage alleged to have been sustained by him, arising from an unfavourable Report made to the Government, by Mr. Commissioner Beckham, in reference to certain Crown Land, for a lease of which the Petitioner had applied; and praying investigation and relief	} Printed.

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1864.	Grievances—continued.				
Feb. 24 ..	Alexander Brand, late of Nattai, near Berrima, now of No. 165, South Head Road, Sydney	(1) One	Mr. C. Cowper, junior	{ Detailing certain grievances, alleged to have been sustained by the Petitioner; and praying investigation and relief	} Printed.
.. 24 ..	Robert Crowther, James Randle, and D. G. Clarke	(3) Three	Mr. C. Cowper, junior	{ Representing themselves as late Overseers of Minor Roads, complaining of their alleged summary discharge from their offices; and praying redress	} Printed.
.. 26 ..	Certain Farmers in the County of Cumberland and District of Liverpool	(51) Fifty-one	Mr. Macpherson	{ Representing that, in consequence of the late dry season and the visitation of Rust in Crops, the Petitioners have been reduced to so great distress as to be unable to pay the Government for the Seed supplied to them on credit; and praying relief	} Printed.
Mar. 10 ..	Thomas Larkin and Robert Pooley, of Picton	(2) Two	Mr. Caldwell ..	{ Detailing certain grievances, alleged to have been sustained by the Petitioners, arising out of a Contract on the part of one Spencer Sivyer, for whom they became sureties for the construction and metalling of a portion of the Southern Road, in Bargo,—part of which work, on the failure of the original contractor, they undertook on their own account; and praying relief	} Printed.
.. 22 ..	Tom Dight Mackenzie, of Paddington, late Sub-Collector of Customs at Albury	(1) One	Mr. Garrett	{ Complaining of his dismissal from the Department of the Customs; and praying for investigation and justice in the case	} Printed.
.. 30 ..	John Leopold Young, of Kent-street North, Master Mariner ..	(1) One	Mr. Darvall	{ Representing that he has been reduced to destitution by his detention in Sydney, as a Witness in the case of the late trial of T. C. Chubb, for forgery; and praying relief	} Printed.
.. 31 ..	Michael Kearns, of Wiseman's Creek, near Bathurst, farmer ..	(1) One	Mr. Driver	{ Representing that in January, 1862, Petitioner free-selected certain Land at Wiseman's Creek, and paid the instalment thereon required by the Regulations, with a fee for the deed;—that in June, 1862, his selection was cancelled on the ground that it was within a Gold Field;—that in October, 1863, he was informed by the Acting Surveyor General that the cancellation had been revoked;—that between the cancellation and its revocation he had made other arrangements incompatible with the selection referred to, and had therefore applied for the restoration of his deposit money, amounting to eleven pounds, which, up to the present time, he has not been able to obtain;—and praying for relief and justice in the premises	} Printed.
April 12..	David Moores, late Foreman of the Stationery Department of the Government Stores	(1) One	Mr. Dangar	{ Representing that Petitioner's services in the employment of the Government were dispensed with under the circumstances in the Petition set forth; and that, in consequence of their being so dispensed with (not from incapacity or misconduct on his part), he has suffered serious injury;—and praying favourable consideration of his case	} Printed.
.. 15..	Eliza Milford Callaghan, of Sydney, widow of the late Mr. District Court Judge Callaghan	(1) One	Mr. Darvall	{ Representing that by the untimely death of Petitioner's late husband (who, had he lived, would have been entitled, under the Act 4 and 5 Gul. IV., cap. 24, to a considerable Superannuation Allowance on his retirement from office), she and her three young children are left in a state of almost entire destitution; and praying relief	} Printed.

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1864.	Grievances—continued.				
April 20..	Certain Farmers in the County of Cumberland and Districts of Baulkham Hills, Castle Hill, and Dural	(31) Thirty-one	Mr. Macpherson	Representing the Petitioner's inability, in consequence of adverse seasons, to repay the supplies of Seed Wheat and Oats obtained by them from the Government; and praying relief	Printed.
" 20..	Ellen Rosa Pegus, of Sydney, widow of Campbell John Pegus, late of Her Majesty's Customs..	(1) One	Dr. Lang	Representing that Petitioner's late husband's death was accelerated by many privations, suffered by him on Gabo Island, and that she is left totally destitute, with four young daughters; and praying relief	Printed.
1863.	Miscellaneous.				
June 23 ..	Certain Inhabitants of the Town of Dubbo, in the District of Bligh	(122) One hundred and twenty-two.. }	Mr. Lord	Deprecating the contemplated withdrawal of the District Court from Dubbo; and praying that that Town may further be proclaimed a place where Quarter Sessions may be permanently held	Printed.
" 24 ..	Robert Andrews, of Sydney	(1) One	Mr. Driver	Representing that, under the circumstances in the Petition set forth, the Seat of the late Member for Central Cumberland, James Henry Atkinson, Esquire, ought to have been declared vacant by a Resolution of this House, and that the recent Writ to supply his place was improperly issued on the resignation of that gentleman; and praying that a new Writ may therefore be issued	Not printed.
" 24 ..	Inhabitants of Brisbane Water..	{ (238) Two hundred and thirty-eight.. }	Mr. Faucett	Deprecating the removal of Messrs. Hely, Harrison, and Scott from the Commission of the Peace, and soliciting an Inquiry into the conduct of the whole of the Magistracy of the District on 1st December, 1862, and the appointment of a Stipendiary Magistrate	Not printed.
July 7 ..	James Shoobert, Henry Burns, and John Campbell, of Sydney, Shipowners, &c.	(3) Three	Mr. Eagar	Proposing the introduction of certain provisions into the "Seamen's Laws Amendment Bill," and that its 5th clause be not passed	Printed.
" 8 ..	Committee of Management of the Muswellbrook Benevolent Society and Hospital	(7) Seven	Mr. Dangar	Against the passing of the "Pastoral Interests Contribution Bill" in its integrity	Printed.
" 10 ..	Certain Traders, Miners, and others residing on the Burrangong Gold Fields	(253) Two hundred and fifty-three .. }	Mr. Wilson	Representing the insecurity of life and property in the Burrangong District, in consequence of the depredations of a gang of Bush-rangers; and praying that such measures may be devised as will restore confidence in the Laws, repress crime, and afford protection to life and property	Printed.
" 14 ..	Certain Inhabitants of the City of Sydney	(115) One hundred and fifteen	Mr. Holroyd ..	Praying that such a Bill as the "Matrimonial Causes Bill" may be passed	Printed.
" 16 ..	Committee of the Albury Hospital and Benevolent Asylum..	(11) Eleven	Mr. Mate	Praying that the House will refuse its assent to any provisions of the "Pastoral Interests Contribution Bill," which will have the effect of diverting the Unclaimed Poundage Fees from Institutions such as the Albury Hospital and Benevolent Asylum	Printed.
" 21 ..	Certain Merchants, Traders, Manufacturers, and other Residents of the City of Sydney, and other parts of the Colony	(106) One hundred and six	Mr. Cowper	Representing certain defects in the Insolvent Law; and praying that steps may be taken to remedy, without delay, the state of things at present existing in reference thereto	Printed.
" 21 ..	Certain Storekeepers, Merchants, and Settlers of Bathurst	(283) Two hundred and eighty-three.. }	Mr. Driver	Praying that steps may be taken for the better regulation of Carriage into the Interior	Printed.

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Miscellaneous—continued.					
1863.					
July 22 ..	Philip Dignam and others, Inhabitants of Goulburn.....	(170) One hundred and seventy	Mr. Alexander..	{ Against the passing of certain clauses in the Pastoral Interests Contribution and the Impounding Bills, proposing to divert the Unclaimed Proceeds of Cattle Impounded, from certain Charitable Institutions	} Not printed.
.. 22 ..	W. H. Hovell, J.P., and others, Inhabitants of Goulburn.....	(79) Seventy-nine ..	Mr. Alexander..	Similar prayer	{ Not printed.
.. 22 ..	Certain Officers and Committee of the Goulburn Hospital	(11) Eleven	Mr. Alexander..	Similar prayer	Printed.
.. 24 ..	A Roman Catholic Clergyman and certain Catholics of Raymond Terrace	(105) One hundred and five	Mr. Sadleir'	{ Adverse to the "Church and School Lands Declaratory Bill"	} Printed.
.. 24 ..	Certain Roman Catholic Inhabitants of the District of Camden	(92) Ninety-two	Mr. Faucett	Similar prayer	{ Not printed.
.. 31 ..	Storekeepers, Merchants, and Settlers of Mudgee	(44) Forty-four.....	Mr. Dalley	{ Praying for the enactment of some Law for the better regulation of carriage into the Interior	} Not printed.
.. 31 ..	Certain Sheepowners, resident in the District of New England	(16) Sixteen	Mr. Gordon	{ Expressing their opinion that the provisions of the "Scab in Sheep Act" should be most rigorously enforced, and suggesting the introduction of certain other stringent regulations relative to Scab in Sheep	} Printed.
Aug. 4 ..	Committee of Management of the Hawkesbury Benevolent Society	(9) Nine.....	Mr. Walker	{ Praying that the 39th Section of the "Impounding Bill" may not be passed	} Not printed.
.. 4 ..	Inhabitants of Burragorang	(54) Fifty-four	Mr. Macpherson	{ Against the passing of the "Church and School Lands Declaratory "Bill"	} Printed.
.. 11 ..	President, Vice-President, Officers, and Committee of Management of the Singleton and Patrick's Plains Benevolent Society	(12) Twelve	Mr. Harpur	{ Adverse to the passing of the "Pastoral Interests Contribution Bill"	} Printed.
.. 13 ..	Robert Stewart	(1) One	Mr. Mate	{ Praying for leave to appear, either in person, or by Counsel, or Agent, before the Select Committee now sitting in the matter of Robert Stewart.....	} Not printed.
.. 18 ..	Certain Inhabitants of the Town and District of Murrurundi ..	(29) Twenty-nine ..	Mr. Dangar	{ Adverse to the passing of the 11th Clause of the "Pastoral Interests Contribution Bill"	} Printed.
.. 18 ..	Certain Sheepowners, residing in the neighbourhood of Glen Innes, in the District of New England	(11) Eleven	Mr. Gordon	{ Making certain suggestions with reference to the subject of Scab in Sheep	} Printed.
.. 19 ..	Certain Clergy, Magistrates, Gentry, and others, residents of Shoalhaven	(151) One hundred and fifty-one	Mr. Robertson..	{ Praying for the extension of the Electric Telegraph to Jervis Bay and Nowra	} Not printed.
.. 19 ..	Thomas Westropp, Surgeon, Sydney	(1) One	Dr. Lang	{ Deprecating the destruction of Sheep infected with Scab, which disease Petitioner asserts can be easily cured by a simple remedy within his knowledge; and praying inquiry into the subject	} Printed.
.. 26 ..	Certain Pawnbrokers of Sydney	(19) Nineteen	Mr. Eagar	{ Against the further consideration of the "Pawnbroker's Bill" until the Evidence taken before the Select Committee of last Session, on a similar Bill, be laid upon the Table of the house and printed ..	} Printed.
.. 26 ..	William Parves, as convener of a certain Public Meeting of the Inhabitants of Maitland and surrounding District	(1) One	Mr. Burns.....	{ Praying that a Bill may be passed without delay to secure united action in the drainage of the low lands of the Hunter River District. }	} Printed.
.. 28 ..	Certain Sheepowners resident in the District of New England..	(5) Five.....	Mr. Gordon	{ Making certain suggestions with reference to the subject of Scab in Sheep	} Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1863.	Miscellaneous—continued.				
Sept. 1 ..	Certain Inhabitants of the Township of Hexham, in Public Meeting assembled....	{ (180) One hundred and thirty	Mr. Sadleir	{ Complaining of the delay in opening the Railway Station at Hexham, and of the bad state of the approaches thereto; and praying inquiry into the matter	{ Not printed.
" 2 ..	Inhabitants of the Pastoral Districts and others interested in that part of the Colony of New South Wales, known as the "Riverine District".....	{ (1,511) One thousand five hundred and eleven	Mr. Morris	{ Representing that in consequence of the great distance of the District, known as the "Riverine District" from the Central Government, and its vast extent, they labour under many inconveniences, as set forth in their Petition; and suggesting, therefore, the establishment of the District as a distinct one, with defined boundaries, on the same footing as Port Phillip, before separation	{ Printed.
" 4 ..	Thomas Cadell, of West Maitland, Auctioneer, as Chairman of a certain Public Meeting, held at West Maitland	{ (1) One	Mr. Weekes....	{ In favour of the "Scab in Sheep Prevention Bill," with certain modifications	{ Printed.
" 4 ..	James McIntosh, of Redfern....	{ (1) One	Dr. Lang	{ Relative to his claim to a certain allotment of land in George-street, Sydney, with a Message thereon, known as the "Bull's Head Public House"	{ Printed.
" 4 ..	Certain Individuals interested in Pastoral Pursuits	{ (54) Fifty-four	Mr. Robertson..	{ Praying that the "Scab in Sheep Prevention Bill" may be passed with as little delay as the forms of the House will permit	{ Printed.
" 8 ..	Certain Inhabitants of Good Dog, Jasper's Brush, and other parts of the north side of Shoalhaven River	{ (72) Seventy-two....	Mr. Robertson..	{ Praying that a portion of the sum estimated for the formation of a Wharf at Terrara, may be expended in forming Wharfs on the opposite side of Bomaderry Ferry	{ Printed.
" 9 ..	Certain Chemists, Druggists, and other Importers of Chemicals, resident in the City and Port of Sydney	{ (15) Fifteen	Mr. Eagar	{ Praying for a modification of the Customs Rules in respect to the levying duty upon Spirits of Wine, not methylated with Naphtha....	{ Printed.
" 9 ..	Certain Sheepowners and others	{ (113) One hundred and thirteen	Mr. Morris	{ Against the "Scab in Sheep Prevention Bill," and praying that a Bill providing for the cure of scab, may be adopted by the House....	{ Not printed.
" 9 ..	Certain Colonists of New South Wales	{ (54) Fifty-four	Mr. Allen	{ Praying that in Curative Institutions, to which Public Money is granted, for the treatment and cure of disease, wards may be set apart for the use of such patients as may desire homœopathic treatment, and that free access may be afforded thereto to properly qualified homœopathic practitioners	{ Printed.
" 15 ..	William Bland, Surgeon	{ (1) One	Mr. Martin	{ Setting forth certain diversified and long-continued efforts made by the Petitioner for the welfare and advancement of the Colony, extending over nearly half a century, whereby he was subjected to much inconvenience and serious pecuniary loss; and praying further and favourable consideration of his case	{ Printed.
" 15 ..	Certain Butchers of the City of Sydney and Suburbs	{ (135) One hundred and thirty-five ..	Mr. Caldwell ..	{ Representing that it would be of great advantage to the Community if Sunday-selling by Butchers were prohibited by Law, the Petitioners themselves having, for some time past, closed their shops on the Sabbath Day, and proved the advantage of the system; and praying relief	{ Printed.
" 15 ..	Certain Bakers and others, inhabitants of Sydney and Environs	{ (65) Sixty-five	Mr. Dagleish ..	{ Praying such a modification of the Law as will remove from the individual loaf the restriction respecting the weight thereof	{ Printed.

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1863.	Miscellaneous--continued.				
Sept. 15 ..	Certain Cabinetmakers, Upholsterers, and other Importers of Varnish containing Spirit ..	(42) Forty-two	Mr. Eagar	{ Praying that the House will refuse to agree to a Customs Duty on imported Varnish, containing Spirit.. }	Printed.
" 18 ..	Samuel Gordon, of Macquarie Road, Newcastle	(1) One	Mr. Driver	{ Complaining of the conduct of the Australian Agricultural Company, and praying the intervention of this House, with a view to obtaining the revocation, by the Crown, of all Charters and grants hitherto made to or conferred upon that Company	Printed.
" 22 ..	John Brewster, of Sydney.....	(1) One	Mr. Wilson	{ Praying for leave to appear by Counsel or Attorney, before the Select Committee to whom had been referred the Petition from certain Shareholders in the Newcastle Wallsend Coal Company, setting forth grievances connected with negotiations with the Government; and further praying that he might have leave to produce and give evidence with reference to the matter in the said Petition referred to	Not printed.
" 22 ..	Certain Colonists of New South Wales	(52) Fifty-two	Mr. Allen.....	{ Praying that in Curative Institutions, to which public money is granted for the treatment and cure of disease, wards may be set apart for the use of such patients as may desire homœopathic treatment, and that free access may be afforded thereto to properly qualified homœopathic practitioners	Printed.
" 22 ..	Certain Colonists of New South Wales	(12) Twelve	Mr. Allen.....	Similar prayer.....	Printed.
" 25 ..	Certain Pawnbrokers of Sydney.	(18) Eighteen	Mr. Dalgleish ..	{ Representing the condition of the Pawnbroking trade, and praying that the Petitioners' case may be taken into consideration in Legislating on this matter..... }	Printed.
" 30 ..	Certain Inhabitants of the Town and District of Braidwood	(19) Nineteen	Mr. Garrett	{ Representing the great interruption caused to the traffic along the Road from Nelligen to Braidwood; and praying that it may be proclaimed a Main Road	Printed.
" 30 ..	Certain Bakers and others, Inhabitants of Sydney and environs	(110) One hundred and ten	Mr. Dalgleish ..	{ Praying such a modification of the Law as will remove from the individual loaf the restriction respecting the weight thereof	Printed.
Oct. 1 ..	Certain Producers and others interested in the proposed wharf at Terrara	(303) Three hundred and three ..	Mr. Robertson..	{ Representing the eligibility of Terrara, Shoalhaven River, as the site of a wharf; and praying that such site may not be altered..... }	Printed.
" 6 ..	Robert M'Intosh, of Marsh Bank, Botany Road.....	(1) One	Mr. Lucas	{ Setting forth the Petitioner's claim to certain Premises in Sydney, which formed the subject of a Petition, presented to this House in September last, by one James M'Intosh, which last mentioned Petition was referred, on the 29th September, to the Select Committee now sitting on a Petition of Mr. John Busby; and praying that the said Petitioner, Robert M'Intosh, may have leave to appear in person, or by counsel or attorney, before the said Select Committee, in reference to the Petition of the said James M'Intosh	Not printed.

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	Miscellaneous—continued.				
1863.					
Nov. 25 ..	James M'Intosh, of Redfern	(1) One	Dr. Lang	{ Referring to his former Petition which, on the 29th September last, was referred to the Select Committee then and now sitting on the claims of Mr. John Busby; and praying the Petitioner may be allowed to examine witnesses in the room personally, and to call for papers, and otherwise conduct the inquiry in the matter on his own behalf	{ Not printed.
.. 25 ..	Certain Saddlers, Harness-makers, Curriers, Tanners, Boot and Shoe Makers, and others engaged in the manufacture of leather	{ (838) Eight hundred and thirty-eight .. }	Mr. Love	{ Praying for the imposition of Protective Duties on the various articles manufactured by the Petitioners	{ Printed.
.. 25 ..	Certain Coachmakers and others engaged in the Trade	{ (226) Two hundred and twenty-six .. }	Mr. Caldwell ..	{ Praying for the imposition of a Protective Duty on imported Carriages, and other material connected therewith..... }	{ Printed.
Dec. 2 ..	Certain Cabinetmakers and others connected with the Trade, resident in Sydney	{ (250) Two hundred and fifty..... }	Mr. Lucas	{ Praying for the imposition of a Duty on Imported Furniture }	{ Printed.
.. 2 ..	Certain Inhabitants of Sydney..	{ (4,343) Four thousand three hundred and forty-three .. }	Mr. Allen	{ In favour of the imposition of Protective Duties..... }	{ Printed.
.. 2 ..	Certain Master and Operative Tailors of Sydney and the various suburbs	{ (201) Two hundred and one	Mr. Allen	Similar prayer	{ Printed.
.. 2 ..	Certain Inhabitants of St. Mary's, South Creek	{ (199) One hundred and ninety-nine.. }	Mr. Stewart....	Similar prayer	{ Not printed.
.. 2 ..	Certain Inhabitants of Newtown	{ (198) One hundred and ninety-eight }	Mr. Holt	Similar prayer	{ Not printed.
.. 2 ..	Certain Citizens of Sydney	{ (115) One hundred and fifteen	Mr. Driver	{ Praying that the Reserve on Queen's Wharf, Sydney, for Harbour Steamers, alleged to have been promised by the Executive, be not granted..... }	{ Printed.
.. 8 ..	Certain Merchants and others ..	{ (2,310) Two thousand three hundred and ten }	Mr. Samuel	Against the proposed new Tariff ..	{ Printed.
.. 8 ..	Certain Stockholders and Inhabitants of the south-eastern portion of Monaro, and others interested	{ (67) Sixty-seven }	Mr. Garrett	{ Representing that the south-eastern portion of the Monaro District will be now open to the spread of the disease of Pleuro-pneumonia, in consequence of the expiration of the Law and Regulations in that respect, and the consequent inability of the District Inspector to continue to act; and praying relief	{ Printed.
.. 8 ..	Certain Sharebrokers and others	(11) Eleven	Mr. Darvall....	{ Against the proposed Stamp Duty on Transfers of Shares	{ Not printed.
.. 9 ..	Certain Inhabitants of Parramatta	{ (141) One hundred and forty-one..... }	Mr. Raper	In favour of Protective Duties	{ Printed.
.. 9 ..	Certain Inhabitants of Paddington, Woollahra, Point Piper, and Rushcutter's Bay ..	{ (83) Eighty-three .. }	Mr. Terry.....	Similar prayer	{ Printed.
.. 9 ..	Certain Merchants and others..	{ (543) Five hundred and forty-three .. }	Mr. Samuel	Against the proposed new Tariff ..	{ Printed.
.. 9 ..	David Jones	(1) One	Mr. Love	Similar prayer	{ Not printed.
.. 11 ..	James Byrn Richards, of Bathurst, Surveyor and Commissioner of Crown Lands....	{ (1) One	Mr. Martin	{ Praying that he may be allowed to participate in the advantages of the "Public Service Superannuation Bill," from which, he alleges, he is excluded	{ Not printed.
.. 15 ..	Certain Merchants and others..	{ (114) One hundred and fourteen }	Mr. Samuel	{ Against the proposed new Tariff, especially the <i>ad valorem</i> duties .. }	{ Not printed.

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1863.	Miscellaneous—continued.				
Dec. 15 ..	Certain Mechanics and Producers of Goulburn	(133) One hundred and thirty-eight }	Mr. Allen.....	{ In favour of the proposed <i>ad valorem</i> duties on imported goods, as affording protection to the trade of the Colony; and praying that a measure may be passed insuring such protection	Printed.
„ 17 ..	Certain Inhabitants of Maitland	{ (680) Six hundred and eighty..... }	Mr. Eckford....	{ Praying for such a measure of protection of native industry as may foster the Manufactures and Husbandry of the Colony..... }	Printed.
„ 22 ..	Certain Importers of Boots and Shoes	{ (32) Thirty-two	Mr. Samuel	{ Against the proposed Duty on Boots and Shoes..... }	Printed.
„ 29 ..	Certain Merchants and Bankers	(39) Thirty-nine	Mr. Darvall....	Against the proposed new Tariff ..	Printed.
1864.					
Jan. 5 ..	W. R. Riley, Proprietor of the <i>Goulburn Herald</i> , and L. T. Mellin, Proprietor of the <i>Goulburn Chronicle</i>	{ (2) Two..... }	Mr. Alexander..	{ Against the proposed Postage Rate on Newspapers	Printed.
„ 5 ..	Certain Persons employed in the offices of the Goulburn Newspapers.....	{ (19) Nineteen	Mr. Alexander..	Similar prayer	Printed.
„ 6 ..	Certain Journeyman Printers residing in Sydney	{ (136) One hundred and thirty-six .. }	Mr. Garrett	Similar prayer	Printed.
„ 13 ..	Certain Inhabitants of the Village of Collector.....	{ (123) One hundred and twenty-eight }	Mr. Emanuel ..	{ Against the proposed Postage Rate on Newspapers	Not printed.
„ 13 ..	Certain Inhabitants of the Town and District of Goulburn	{ (640) Six hundred and forty	Mr. Alexander..	Similar prayer	{ Not printed.
„ 14 ..	Certain Magistrates, Gentry, Landholders, Tenant Farmers, and other Residents of Shoalhaven	{ (231) Two hundred and thirty-one .. }	Mr. Robertson..	{ Against the proposed construction of a Wharf at Terrara, and praying that Bummadari Ferry may be substituted for that place as the site of the proposed Wharf	Printed.
„ 19 ..	Certain Consumers of Boots and Shoes	{ (2,601) Two thousand six hundred and one	Mr. Samuel	{ Against the proposed Import Duty on Boots and Shoes	Printed.
„ 19 ..	Certain Residents of Pitt Town	(76) Seventy-six	Mr. Cunneen ..	{ In favour of the vesting of the Church and School Lands in Trustees for the support of Religion and Education	Printed.
„ 20 ..	Certain Consumers of Boots and Shoes, residents of Goulburn and surrounding District	{ (149) One hundred and forty-nine .. }	Mr. Emanuel ..	{ Against the proposed Import Duty on Boots and Shoes	Not printed.
„ 20 ..	Certain Consumers of Boots and Shoes	{ (435) Four hundred and thirty-five .. }	Mr. Samuel	Similar prayer	{ Not printed.
„ 20 ..	Certain Inhabitants of Taralga	(100) One hundred ..	Dr. Lang	{ Against the proposed Postage Rate on Newspapers..... }	Printed.
„ 27 ..	Certain Inhabitants of Wilberforce and the vicinity	{ (69) Sixty-nine	Mr. Cunneen ..	{ In favour of the vesting of the Church and School Lands in Trustees for the support of Religion and Education	Printed.
„ 27 ..	Certain Inhabitants of Sutton Forest.....	{ (28) Twenty-eight ..	Mr. Morrice	{ Against the proposed Postage Rate on Newspapers	Printed.
„ 27 ..	Certain Residents of Sackville Reach, Hawkesbury River, and the neighbourhood	{ (28) Twenty-eight ..	Mr. Cunneen ..	{ In favour of the vesting of the Church and School Lands in Trustees for the support of Religion and Education	Printed.
„ 29 ..	Certain Inhabitants of Queanbeyan and Braidwood	{ (132) One hundred and eighty-two.. }	Mr. Rodman ..	{ Against the proposed Postage Rate on Newspapers	Not printed.
Feb. 5 ..	Certain Inhabitants of the Manning River.....	{ (215) Two hundred and fifteen	Mr. Garrett	{ Adverse to the claim made by Miss Kelly for compensation for certain losses and injuries stated to have been sustained by her. }	Printed.
„ 5 ..	Certain Employés of the <i>Freeman's Journal</i> newspaper.....	{ (20) Twenty	Mr. Egan	{ Against the proposed Postage Rate on Newspapers	Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
Miscellaneous—continued.					
1864.					
Feb. 12 ..	Certain Inhabitants of Mulgoa and Greendale	(15) Fifteen	Mr. Macpherson	{ Praying that the "Church and School Lands Trust Bill" may pass }	Printed.
„ 18 ..	Robert Stewart	(1) One	Mr. Tighe	{ Praying for leave to appear personally, or by Counsel or Agent, before the Select Committee now sitting, to whom his former Petition, respecting his claim to land in Illawarra, was referred, and that he may be at liberty to produce and give evidence before such Select Committee, with reference to the matters in the said first-mentioned Petition. }	Not printed.
Mar. 18 ..	Inhabitants of District of Liverpool and surrounding Districts }	(367) Three hundred and sixty-seven.. }	Mr. Macpherson	{ In favour of the "Church and School Lands Trust Bill"	Printed.
April 20 ..	Certain Citizens of Sydney and the Colony of New South Wales }	(12) Twelve	Mr. Caldwell ..	{ Against the present mode of traffic in intoxicating liquors, and in favour of a Permissive Liquor Law }	Printed.
Municipalities.					
1863.					
July 8 ..	The Mayor and Aldermen of the Municipality of Wollongong, under the Seal of the Corporation	(1) One	Mr. Garrett	{ Praying that a Bill of the nature of the "Municipalities Law Amendment Bill" may be passed	Printed.
Aug. 4 ..	"The Chairman and Councillors of the Municipality of Redfern," under the signature of the Chairman, and the Seal of the Corporation	(1) One	Mr. Sutherland ..	{ Setting forth certain losses sustained by the Redfern Corporation, in consequence of the defective provisions of the "Municipalities Act" (22 Vict., No. 13), under which it was constituted; and praying relief	Printed.
Oct. 2 ..	The Mayor and Aldermen of the Municipal Council of Wollongong, under the Seal of the Corporation	(1) One	Mr. Garrett	{ Praying that a Bill of the nature of the "Municipalities Law Amendment Bill" may be passed	Printed.
1864.					
Jan. 27 ..	The Ex-Aldermen of the Shoalhaven Municipality	(6) Six	Mr. Robertson ..	{ Representing that the Supreme Court having declared the Shoalhaven Municipality to have been illegally constituted, an injunction had been obtained by Alexander Berry, Esq., a Ratepayer, to restrain the Corporation from acting as a Municipal Body; and that, since the injunction was made absolute, Mr. Berry had caused execution to issue against the Petitioners, for costs incurred by himself in the matter of the injunction; and praying redress.. }	Printed.
April 15 ..	Signed by Henry Moss, as "late Mayor, for and on behalf of the late Members of the "Shoalhaven Municipality" ..	(1) One	Mr. Garrett	{ Representing that the late Aldermen are threatened to be sued for legal expenses incurred by them in the matter of an injunction obtained by Alexander Berry, Esq., restraining the late Corporation from acting as a Municipal Body—having already been subject to an execution issued by Mr. Berry, for costs incurred by himself in the matter of the said injunction;—and praying relief	Printed.
Private Bills.					
1863.					
June 30 ..	Certain Presbyterians	(44) Forty-four	Dr. Lang	{ Praying for leave to introduce a Bill to incorporate the Presbyterian College	Not printed.
„ 30 ..	Certain Elders and Committee of Management of the Scots' Church, Sydney	(12) Twelve	Dr. Lang	{ Praying for leave to introduce a Bill to legalize the exchange of a portion of the allotment of the Scots' Church, Jamison-street, Sydney, and to authorize the reconstruction of the Tower of the said Church on its present foundation. }	Not printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1863.	Private Bills—continued.				
June 30 ..	Benjamin Darley and Charles Smith, of Sydney.....	(2) Two	Mr. Samuel	{ Praying for leave to introduce a Bill to establish and incorporate a Company to be called "The Waratah Coal Company," and to authorize the making of a Railway for the purposes of the said Company..... }	{ Not printed. }
July 16 ..	Certain Members of the local board of Directors of the European Assurance Society...	(2) Two	Mr. Cowper....	{ Praying for leave to introduce a Bill to enable the European Assurance Society to sue and be sued in the name of such Society. }	{ Not printed. }
" 16 ..	Rev. John M'Gibbon	(1) One	Mr. W. Forster..	{ Praying that, for the reasons in the Petition set forth, the "Presbyterian College Bill" may not be passed	{ Printed. }
" 21 ..	Minister and Congregation of St. Andrew's Scots Church, Newcastle	(24) Twenty-four	Mr. Flett	{ Against the passing of the "Presbyterian College Bill"	{ Printed. }
" 21 ..	Certain Presbyterians of Sydney	(12) Twelve	Mr. Eagar	Similar prayer	Printed.
" 21 ..	Charles Kemp, as Chairman of the Commercial Banking Company	(1) One	Mr. Cowper....	{ Praying for leave to introduce a Bill to amend the Commercial Banking Company's Act of Incorporation	{ Not printed. }
" 21 ..	Certain Members of the Kirk Session of the Presbyterian Church at Portland Head	(4) Four.....	Mr. Piddington	{ Against the passing of the "Presbyterian College Bill"	{ Printed. }
" 28 ..	Thomas Craig, Moderator, and James Milne, Clerk, of the Synod of Australia	(2) Two.....	Mr. Darvall	{ Praying that the "Presbyterian College Bill" may be rejected.... }	{ Not Printed. }
" 28 ..	James Fullerton, L.L.D., Minister of the Scots' Church, Pitt-street	(1) One	Mr. Lucas	Similar prayer	Printed.
Aug. 4 ..	William M'Kee, of Campbelltown, a Minister of the Presbyterian Church, in connexion with the Synod of Australia	(1) One	Mr. Cowper....	{ Against the passing of the "Presbyterian College Bill"	{ Not printed. }
" 4 ..	Certain Proprietors of the Cardiff Coal Company	(4) Four	Mr. Garrett....	{ Praying for leave to introduce a Bill to incorporate the "Cardiff Coal Company."	{ Not printed. }
" 18 ..	Certain Presbyterians of Yass and its vicinity.....	(24) Twenty-four....	Dr. Lang	{ Praying that the "Presbyterian College Bill" may be passed }	{ Printed. }
" 18 ..	Certain Presbyterian Inhabitants of Moruya and its vicinity	(31) Thirty-one	Dr. Lang	Similar prayer	Printed.
" 19 ..	Certain Presbyterians of Wingham and its vicinity, on the Manning River	(25) Twenty-five....	Dr. Lang	{ In favour of the passing of the "Presbyterian College Bill" }	{ Printed. }
" 19 ..	Certain Presbyterians and friends of their cause, at Wallsend Mining District, by Newcastle	(37) Thirty-seven ..	Dr. Lang	Similar prayer	Printed.
" 26 ..	Certain Presbyterians of Forbes, on the Lachlan Diggings	(84) Eighty-four....	Dr. Lang	{ In favour of the passing of the "Presbyterian College Bill" }	{ Printed. }
Sept. 1 ..	Rev. Robert Blain, Presbyterian Minister, late of Hinton, now of Sydney	(1) One	Mr. Eagar	{ Praying that the "Presbyterian College Bill" may be rejected .. }	{ Printed. }
" 4 ..	William Parnell, of Richmond Bottom, in the County of Cumberland, and Charles Parnell, of Osterley, in the County of Northumberland....	(2) Two	Mr. Cowper....	{ Praying for leave to introduce a Bill to enable the Petitioners, as surviving Trustees of the Will of Thomas Parnell, deceased, to sell certain Sheep and Cattle Stations and Stock, being part of the Trust Property, and to invest the money to arise from such sale upon the Trusts of the said Will..... }	{ Not printed. }
" 9 ..	Certain Presbyterians of Minmi and its vicinity	(40) Forty	Dr. Lang	{ Praying that the "Presbyterian College Bill" may be passed }	{ Not printed. }
" 10 ..	Edward Knox, of Sydney, Chairman of the Board of Directors of "The Colonial Sugar Refining Company." ..	(1) One	Mr. Samuel	{ Praying for leave to introduce a Bill to enable the Colonial Sugar Refining Company to sue and be sued in the name of such Company, and to vest the property of the Company in the Trustees, for the time-being, of such Company	{ Not printed. }

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1863.	Miscellaneous—continued.				
Sept. 15 ..	Presbyterians of Young and Bur-rangong, or the Lambing Flat	(30) Thirty	Dr. Lang	{ Praying that the "Presbyterian College Bill" may be passed }	{ Not printed.
.. 15 ..	Certain Presbyterians of Queanbeyan and its vicinity	(24) Twenty-four	Dr. Lang	Similar prayer	{ Not printed.
.. 17 ..	The Honorable George Henry Cox, of Mudgee, Clarendon Stuart, of Sydney, George Cox, of Mulgoa, and Charles Clarendon Cox, of Clarendon, near Windsor	(4) Four	Mr. Holroyd ..	{ Praying for leave to introduce a Bill to enable the Petitioners, as trustees and <i>cestui que</i> trusts, under the Marriage Settlement of Charles Clarendon Cox and Louisa Stafford Stuart, to sell certain land and hereditaments, and to invest the money to arise from such sale upon the same or similar trusts to those now subsisting	{ Not printed.
.. 18 ..	Certain Inhabitants of the District of Shoalhaven	(56) Fifty-six	Dr. Lang	{ In favour of the passing of the "Presbyterian College Bill"	{ Not printed.
.. 18 ..	Certain Inhabitants of Balmain and its vicinity	(7) Seven	Dr. Lang	Similar prayer	{ Not printed.
.. 18 ..	R. J. Want, of Sydney, as Chairman of the Board of Directors of the Moruya Silver Mining Company	(1) One	Mr. W. Forster ..	{ Praying for leave to introduce a Bill to incorporate the "Moruya Silver Mining Company," and to confer on the said Company such usual powers as may be necessary or desirable for the carrying on of the business of the said Company	{ Not printed.
.. 29 ..	Certain Presbyterians in the City of Newcastle and its vicinity	(34) Thirty-four	Dr. Lang	{ In favour of the "Presbyterian College Bill"	{ Not printed.
Oct. 8 ..	Certain Presbyterians of Cowra and Fish River	(19) Nineteen	Mr. Piddington	{ Praying for the rejection of the "Presbyterian College Bill"	{ Printed.
Dec. 29 ..	Certain Directors and Shareholders of the Bank of New South Wales	(4) Four	Mr. Martin	{ Praying for leave to introduce a Bill to amend the Act of Incorporation of the Bank of New South Wales	{ Not printed.
.. 29 ..	Certain Presbyterians of Pymont in the City of Sydney and its vicinity	(19) Nineteen	Dr. Lang	{ Praying that the "Presbyterian College Bill" may be passed }	{ Not printed.
1864.					
Mar. 24 ..	Queensland Steam Navigation Company	(3) Three	Mr. Leary	{ Praying for leave to introduce a Bill to amend the Queensland Steam Navigation Company	{ Not printed.
.. 24 ..	Municipal Council of Bathurst, bearing the signature of the Mayor, and the Seal of the Corporation	(1) One	Mr. Driver	{ Praying for leave to introduce a Bill to transfer the Bathurst Market to the Municipal Council of Bathurst	{ Not printed.
April 14 ..	Certain Presbyterians and other Protestants residing in the Macquarie Gold Fields	(48) Forty-eight	Dr. Lang	{ Praying that the "Presbyterian College Bill" may be passed	{ Not printed.
.. 14 ..	Certain Presbyterian Inhabitants of Nerrigundah and its vicinity	(9) Nine	Dr. Lang	Similar prayer	{ Not printed.
1863.	Railways.				
Sept. 8 ..	Inhabitants of the Town and District of Mudgee	(659) Six hundred and fifty-nine	Mr. Terry	{ Praying for Railway extension from Muswellbrook to Mudgee	{ Printed.
.. 9 ..	Inhabitants of the City, Port, and District of Newcastle	(192) One hundred and ninety-two ..	Mr. Hannell	{ Setting forth the advantages of Railway extension from Muswellbrook to Mudgee, and praying consideration of the subject	{ Printed.
.. 15 ..	Certain Labourers, Artizans, and others, lately employed on the Morpeth Railway	(73) Seventy-three ..	Mr. Close	{ Complaining of great hardship sustained by the Petitioners in consequence of the alleged sudden and unexpected insolvency of the Contractor, who, they state, was indebted to them in a large amount of wages; and praying for the stoppage of moneys which may be due to the Contractor, for the benefit of Petitioners, and relief otherwise under the circumstances }	{ Printed.
.. 22 ..	Certain Inhabitants of the Town of Singleton and District of Patrick's Plains	(148) One hundred and forty-eight ..	Mr. Arnold	{ In favour of the extension of a Branch Railway from the Great Northern Line towards Mudgee ..	{ Not printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1863.	Railways—continued.				
Sept. 22 ..	Certain Inhabitants of the Towns and District of Morpeth, West Maitland and East Maitland ..	(620) Six hundred and twenty	Mr. Darvall	{ In favour of the extension of a Branch Railway from the Great Northern Line towards Mudgee .. }	Printed.
Oct. 6 ..	The Inhabitants of the Town and District of Hargraves....	(45) Forty-five	Mr. Wisdom....	{ Setting forth the advantages of Railway Extension to Fort Bourke, <i>vid</i> Muswellbrook and Mudgee .. }	Not printed.
.. 20 ..	Certain, Mechanics, Traders, and Labourers, on the No. 3 Extension of the Great Southern Railway	(91) Ninety-one	Mr. Macpherson.	{ Representing that the Petitioners have been unexpectedly thrown out of employment, by the failure of the Contractors, with a considerable amount of wages due to them, whereby they are reduced to great destitution; and praying for inquiry and relief..... }	Not printed.
.. 20 ..	R. Y. Cousins, Mayor, as Chairman of a certain Public Meeting, stated to have been held at Bathurst.....	(1) One	Mr. Cummings..	{ Urging strongly the advantages of Railway Extension between New South Wales and Victoria; and praying that, in the consideration of this subject, the best and cheapest line between Bathurst and Goulburn and the River Murray, should be ascertained by actual survey	Printed.
Nov. 24 ..	Inhabitants of the Township and District of Cobbora	(26) Twenty-six	Mr. Lord	{ In favour of Railway Extension to Fort Bourke, <i>vid</i> Muswellbrook and Mudgee..... }	Printed.
Dec. 15 ..	Certain Inhabitants of the District of Hartley.....	(403) Four hundred and three	Mr. Lucas	{ Indicating a certain route as the best for the Line of Railway between Blackheath and Bathurst; and praying that that route may be adopted which may be of the greatest public service	Printed.
.. 15 ..	Certain Inhabitants of Goulburn and the surrounding Districts..	(864) Eight hundred and sixty-four ..	Mr. Alexander..	{ Praying for the speedy construction of the Line of Railway from Goulburn to Albury, and suggesting that the works be "placed, by "tender, in the hands of one enterprising firm," rather than let out piecemeal to a number of small contractors	Printed.
.. 17 ..	Certain Colonists in the Electorate of The Hume, and in the Border Districts	(691) Six hundred and ninety-one ..	Mr. Macleay ..	{ Setting forth certain advantages which would accrue from an extension of the Southern Railway from Goulburn to Albury as the route most favourable for a further extension to Melbourne..... }	Printed.
.. 30 ..	Certain Tradesmen, Storekeepers, Laborers, Butchers, Bakers, and Carriers, on the Great Southern and Western Railways	(339) Three hundred and thirty-nine..	Mr. Leary	{ Praying, for the reasons in the Petition set forth, the establishment of fortnightly payments instead of the system which at present prevails	Printed.
1864.					
Mar. 15 ..	Tradesmen, Publicans, Masons, Quarrymen, and Labourers, Inhabitants of the District of Bathurst	(284) Two hundred and eighty-four ..	Mr. Leary.....	{ Complaining of the existence of Tommy or Truck and Sly-grog shops on Railway Lines, and praying for the revision of the Railway Contract System, with a view to the security of the men employed against fraud in the matter of their wages	Printed.
.. 31 ..	Certain Traders, Mechanics, Artizans, and others, of the City of Goulburn	(401) Four hundred and one	Mr. Lucas	{ Against the removal of the Site of the Goulburn Railway Terminus from the north-eastern end of the City, in close proximity with the Fitz Roy Bridge, to the Reserve in that part of the City opposite Clinton-street	Printed.
April 13 ..	Certain Inhabitants of Goulburn	(21) Twenty-one	Mr. Alexander..	{ In favour of fixing the Goulburn Railway Terminus on the Reserve, on the western side of the Mulwarree Ponds, rather than in the vicinity of the Fitz Roy Bridge.. }	Not printed.

Legislative Assembly Offices,
Sydney, 22nd April, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

[Price, 1s.]

Sydney: Thomas Richards, Government Printer.—1864.

1863-4. LEGISLATIVE ASSEMBLY. NEW SOUTH WALES.

No. 1. ALPHABETICAL REGISTER OF PUBLIC BILLS ORIGINATED IN THE ASSEMBLY, DURING THE SESSION OF 1863-4.

Table with columns: SHORT TITLES, BY WHOM INITIATED, Ordered, Presented and read 1st, Read 2nd, Committed, Reported, Recommitted, Reported, Report adopted, Read 3rd, Passed, Sent to Council for concurrence, Agreed to by Council without amendment, Agreed to by Council with Amendments, Council's Amendments agreed to, Council's Amendments disagreed to, Council's Amendments agreed to with Amendments, Council agrees to Assembly's Amendments on their Amendments, Council disagrees to Assembly's Amendments on their Amendments, Bill dropped or laid aside, Assent reported, Number of Act, REMARKS.

No. 2.

ALPHABETICAL REGISTER OF PRIVATE BILLS INTRODUCED UPON PETITION TO THE ASSEMBLY, DURING THE SESSION OF 1863-4.

SHORT TITLES.	BY WHOM PETITION PRESENTED.	Ordered.	Presented and read 1 ^o .	Referred to Select Committee.	Reported by Select Committee.	Read 2 ^o .	Committed.	Reported.	Recommitted.	Reported.	Report adopted.	Read 3 ^o .	Passed.	Sent to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendments.	Council's Amendments agreed to.	Council's Amendments disagreed to.	Council's Amendments agreed to with Amendments.	Council agrees to Assembly's Amendments on their Amendments.	Council disagrees to Assembly's Amendments on their Amendments.	Bill dropped or laid aside.	Assent reported.	REMARKS.
Bank of New South Wales Incorporation Act Amend-ment Bathurst Market	Mr. Martin Mr. Driver	1864. 2 Feb.	1864. 4 Feb.	1864. 5 Feb.	1864. 12 Feb.	1864. 26 Feb.	1864. 26 Feb.	1864. 26 Feb.			1864. 26 Feb.	1864. 1 Mar.	1864. 1 Mar.	1864. 1 Mar.	1864. 16 Mar.								1864. 1 April	
Cardiff Coal Company's Incorporation Colonial Sugar Refining Company Commercial Banking Company's Act Amendment	Mr. Garrett Mr. Samuel Mr. Cowper	29 Mar. 11 Aug. 15 Sept. 31 July	29 Mar. 11 Aug. 15 Sept. 31 July	30 Mar. 4 Sept. 29 Sept. 11 Aug.	31 Mar. 10 Sept. 6 Oct. 14 Aug.	1 April 2 Oct. 27 Nov. 28 Aug.	1 April 2 Oct. 27 Nov. 28 Aug.	1 April 2 Oct. 27 Nov. 28 Aug.			1 April 2 Oct. 27 Nov. 28 Aug.	5 April 1863. 26 Nov. 4 Dec.	5 April 1863. 26 Nov. 4 Dec.	5 April 1863. 26 Nov. 4 Dec.	20 April 1863. 22 Dec. 23 Dec.								22 Sept.	
Cox's Marriage Settlement	Mr. Holroyd	29 Sept.	29 Sept.	1 Dec.	16 Dec.	22 Jan.	22 Jan.	22 Jan.			22 Jan.	5 Feb.	5 Feb.	11 Mar.	1864. 5 April								1864. 21 April A.M.	
European Assurance Society	Mr. Cowper	16 July	22 July	31 July	7 Aug.	14 Aug.	14 Aug.	14 Aug.			14 Aug.	28 Aug.	28 Aug.	28 Aug.	18 Sept.								1863. 1863. 27 Nov.	
Exchange of Land, Scots Church, Jamison-street, Legalizing	Dr. Lang	14 July	11 Aug.	4 Sept.	1 April																		1864. 21 April A.M.	{ 65th Standing Order dispensed with, 11 Aug., 1863. Stopped by prorogation.
Moruya Silver Mining Company's Incorporation	Mr. W. Forster	29 Sept.	29 Sept.	1 Dec.	11 Dec.	22 Jan.	22 Jan.	11 Mar.			11 Mar.	15 Mar.	15 Mar.	15 Mar.	1 April								1864. 21 April A.M.	
Parnell's Trust	Mr. Cowper	8 Sept.	8 Sept.	11 Sept.	25 Sept.	4 Dec.	4 Dec.	4 Dec.			4 Dec.	5 Jan.	5 Jan.	5 Jan.	21 Jan.								10 Feb.	
Presbyterian College	Dr. Lang	14 July	11 Aug.	4 Sept.	6 Oct.	11 Mar.	11 Mar.	21 April			21 April													{ 65th Standing Order dispensed with, 11 Aug., 1863. Stopped by prorogation.
Queensland Steam Navigation Company's Incorporation	Mr. Leary	1864. 29 Mar.	1864. 29 Mar.	1864. 30 Mar.	1864. 31 Mar.	1 April	1 April																	{ Lapsed in Committee of the Whole, 1 April, 1864. Restored to Paper, 5 April, 1864. Discharged, 21 April, 1864.
Waratah Coal Company's Incorporation	Mr. Samuel	1863. 1 July	1863. 1 July	1863. 14 July	1863. 17 July	1863. 7 Aug.	1863. 7 Aug.	1863. 4 Sept.	1863. 11 Sept.	1863. 11 Sept.	1863. 11 Sept.	1863. 15 Sept.	1863. 15 Sept.	1863. 15 Sept.	1863. 30 Sept.								1863. 27 Nov.	

No. 3.

ALPHABETICAL REGISTER OF PUBLIC AND PRIVATE BILLS BROUGHT FROM THE COUNCIL, DURING THE SESSION OF 1863-4.

SHORT TITLES OF		When brought.	Read 1 ^o .	Referred to Select Committee.	Reported by Select Committee.	Read 2 ^o .	Committed.	Reported.	Recommitted.	Reported.	Report adopted.	Read 3 ^o .	Passed without Amendment.	Returned to Council.	Passed with Amend-ments.	Sent to Council for concurrence.	Agreed to by Council.	Agreed to by Council with Amendments upon Assembly's Amendments.	Council's Amendments upon Assembly's Amendments agreed to.	Council's Amendments upon Assembly's Amendments disagreed to.	Bill dropped or laid aside.	Assent reported.	Number of Act.	REMARKS.
PUBLIC BILLS.	PRIVATE BILLS.																							
Destitute Children's Society's Incorporation Act Amendment	City Bank	1864. 7 Jan.	1864. 7 Jan.			1864. 22 Jan.	1864. 22 Jan.	1864. 22 Jan.			1864. 22 Jan.	1864. 20 Jan.	1864. 29 Jan.	1864. 29 Jan.								1864. 10 Feb.	27 ^o Vic.	{ Council disagrees to one, and agrees to all other of the Assembly's Amendments, and makes a consequential Amend-ment, 21 April. Assembly does not insist upon its Amendment disagreed to by Council, and agrees to consequential Amend-ment, 22 April. Discharged, 21 April.
Smoke Nuisance Abatement		1863. 30 Dec.	1863. 30 Dec.			20 April A.M.	20 April A.M.	20 April A.M.			20 April A.M.	20 Apl			1864. 20 April	1864. 20 April						22 April	16	
		2 Sept.	2 Sept.																					

RECAPITULATION.

Number of Public Bills originated in the LEGISLATIVE ASSEMBLY, as per Register No. 1	51
Number of Private Bills do. do. as per Register No. 2	13
Number of Public Bills brought from the LEGISLATIVE COUNCIL, as per Register No. 3	2
Number of Private Bills do. do. as per Register No. 3	1
	67
Passed and Assented to	Public. 16 Private. 11 Total. 27
Pro forma Bill	1 0 1
Negatived on motion for 2nd reading	1 0 1
Lapsed in Committee	2 0 2
Superseded	2 0 2
Superseded by Question of "this day six months"	1 0 1
Not introduced...	1 0 1
Discharged...	16 1 17
Not returned by Legislative Council	5 0 5
Stopped by Prorogation...	8 2 10
	67

Legislative Assembly Offices,
Sydney, 22 April, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ALPHABETICAL REGISTERS

OF

ADDRESSES AND ORDERS FOR PAPERS,

AND OF

A D D R E S S E S

(NOT BEING FOR PAPERS.)

—
SESSION 1863-4.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ALPHABETICAL REGISTER OF ADDRESSES AND ORDERS FOR PAPERS, DURING THE SESSION OF 1863-4.

WHEN PASSED.			ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.	
VOTES.				By Address.	By Order.			Date of Order.	When delivered for Printing.
No.	Date.	Entry.							
6	1 July, 1863	9	Mr. Lucas		{ Advertisements in Newspapers—Expense of Government	11 August, 1863..	63/291	11 Aug., 1863	12 Aug., 1863.
11	9 July, ..	11	Mr. Wilson		Alpacas, Flock of, and Mr. C. Ledger.....				
24	31 July, ..	25	Mr. Burdekin ..		Appeals to Privy Council	25 September, ..	63/440	25 Sept., ..	29 Sept. ..
45	8 Sept., ..	6	Mr. W. Forster	{ Applications for Leave to sue the Government at Law					
84	29 Dec., ..	36	Mr. Stewart....		{ Applications to reclaim Land having Harbour frontage in Sydney				
84	29 Dec., ..	16	Mr. Sadleir		{ Arbitration on Improvements of Mr. Berry at Shoalhaven	19 January, 1864..	64/37	19 Jan., 1864	20 Jan., 1864.
8	3 July, ..	3	Mr. W. Forster		{ Branch Railway from Blacktown to Windsor and Richmond				
9	7 July, ..	12	Mr. Wilson	{ Burrangong Gold Field—Government Telegrams and Correspondence		21 April, 1864, } (In part)	64/235		
74	8 Dec., ..	18	Mr. Garrett	{ Butler, Edward, Esq.—Resignation of, as a Member of the Legislative Council					
11	9 July, ..	10	Mr. Dagleish ..		{ Camp-keeper—Mr. Gold Commissioner Keightley's late	15 July, 1863..	63/188	15 July, 1863	16 July, 1863.
13	14 July, ..	21	Mr. Samuel	Cary, Judge—(Administration of Justice)		1 December, ..	63/547	1 Dec., ..	2 Dec., ..
113	23 Feb., 1864	14	Mr. Cowper		Chatfield, Mr., late Superintendent of Police....	23 March, 1864..	64/163	23 Mar., 1864	24 Mar., 1864.
13	14 July, 1863	20	Mr. Holroyd ..	Chief Commissioner of Insolvent Court		1 December, 1863..	63/548	1 Dec., 1863	2 Dec., 1863.
13	14 July, ..	13	Mr. Dagleish ..		Cigars—Seizure of, on board the "Ellen Lewis"	11 December, ..	63/595	11 Dec., ..	12 Dec., ..
70	1 Dec., ..	14	Mr. Dangar	{ Claim of Mr. J. H. Nixon against Mr. C. A. Goodchap and Mr. F. L. Oliver.....		21 July, ..	63/210	18 Aug., ..	14 Aug., ..

ALPHABETICAL REGISTER, &c.—continued.

WHEN PASSED.			ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.	
VOTES.				By Address.	By Order.			Date of Order.	When delivered for Printing.
No.	Date.	Entry.							
113	23 Feb., 1864	12	Mr. Tighe .....	.....	Coal Fields—Proceedings of Inspectors of				
13	14 July, 1863	5	Mr. Eagar .....	.....	{ Collision between the steamers "Kembla" and "Hunter"	21 July, 1863..	63/209	21 July, 1863	22 July, 1863.
109	16 Feb., 1864	4	Mr. Buchanan..	.....	Colonial Storekeeper's Department	2 March, 1864..	64/123	2 Mar., 1864	3 Mar., 1864.
63	26 Nov., 1863	21	Mr. Piddington	.....	{ Conditional Purchases under Crown Lands } { Alienation Act of 1861	3 March, " ..	64/131	19 April, "	20 April, "
						15 April, " ..	64/208		
						23 March, " ..	64/162		
41	1 Sept., "	8	Mr. Dangar .....	.....	Contractors—Defaulting	12 April, " ..	64/190	23 Mar., "	24 Mar., "
25	4 Aug., "	28	Mr. Eagar .....	.....	Contractors—Public, on Railway Works	21 April, " ..	64/232	12 April, "	13 April, "
84	29 Dec., "	13	Mr. Robertson..	.....	{ Customs Duties collected at Sydney during the last month	2 October, 1863..	63/468	21 April, "	25 April, "
49	15 Sept., "	11	Mr. Gray .....	.....	Dean, Mr. Charles	-2 March, 1864..	64/125	2 Oct., 1863	5 Oct., 1863.
13	14 July, "	15	Mr. W. Forster	{ Death of John Hart in Benevolent Asylum at Liverpool .....	.....	21 August, 1863..	63/339	2 Mar., 1864	3 Mar., 1864.
105	9 Feb., 1864	9	Mr. Garrett .....	.....	{ Departmental Letter of Collector of Customs, relative to pecuniary assistance from Agents to Officers	10 February, 1864..	64/80	23 Sept., 1863	24 Sept., 1863.
126	18 Mar., "	2	Mr. Burns .....	.....	Electoral Returns			10 Feb., 1864	11 Feb., 1864.
32	14 Aug., 1863	14	Mr. W. Forster	Episcopal Residences—Lands set apart for .....	.....	12 April, 1864..	64/195		
49	15 Sept., "	25	Mr. Samuel .....	.....	Extraction of Silver from Coined Gold	17 September, 1863..	63/411	17 Sept., 1863	18 Sept., 1863.
25	4 Aug., "	13	Mr. Holroyd ..	.....	{ Fees received in Insolvency Jurisdiction of Supreme Court	18 September, " ..	63/419	18 Sept., "	19 Sept., "
57	29 Sept., "	16	Mr. Lucas .....	.....	Flood-gates at Cook's River Dam	26 November, " ..	63/534	26 Nov., "	27 Nov., "
24	31 July, "	20	Mr. Holroyd ..	Geo, Margaret .....	.....	25 February, 1864..	64/110		
6	1 July, "	8	Mr. Lucas .....	.....	Government Gazette—Expenses of	8 July, 1863..	63/163	8 July, "	9 July, "
84	29 Dec., "	26	Mr. Macleay ..	.....	{ Great South Road — Formation of, through North Gundagai	27 January, 1864..	64/53	27 Jan., 1864	28 Jan., 1864.
21	28 July, "	6	Mr. Hannell ..	.....	Harbour and Pilot Establishments at Newcastle	5 August, 1863..	63/275	5 Aug., 1863	6 Aug., 1863.
63	26 Nov., "	18	Mr. Weekes ..	{ Hay Stack—Destruction of, by fire, at West Maitland—Conduct of Coroner .....	.....	4 December, " ..	63/571	4 Dec., "	8 Dec., "
25	4 Aug., "	8	Mr. Holroyd ..	.....	{ Immigrant Vessels, and Fines inflicted on Officers of such Vessels	1 December, " ..	63/550	1 Dec., "	2 Dec., "
44	4 Sept., "	34	Mr. Harpur .....	.....	Impounded Cattle—Rates of certain Charges on	21 April, 1864 } (In part)	64/234		
46	9 Sept., "	9	Mr. Wilson	{ Inquest at Parramatta Lunatic Asylum, on body of Peter M'Coll .....	.....	18 September, 1863..	63/420		
25	4 Aug., "	7	Mr. Holroyd ..	Inspector of Prisons .....	.....			
75	9 Dec., "	13	Mr. Redman ..	.....	Isbester and Harrison	15 January, 1864..	64/30	15 Jan., 1864	16 Jan., 1864.

ALPHABETICAL REGISTER, &c.—continued.

WHEN PASSED.			ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.	
VOTES.				By Address.	By Order.			Date of Order.	When delivered for Printing.
No.	Date.	Entry.							
108	12 Feb., 1864	6	Mr. Sadleir	Juvenile Offenders and Witnesses . . . . .	.....			
18	22 July, 1863	10	Mr. Macpherson	Laing, Mrs.—(Administration of Justice).....	.....	7 August, 1863..	63/279	7 Aug., 1863	7 Aug., 1863.
25	4 Aug., ..	14	Mr. Walker . . . . .	.....	.....	13 August, 1863..	63/303	13 Aug., ..	14 Aug., ..
144	21 April, 1864	10	Mr. Dalgleish ..	.....	.....		
14	15 July, 1863	11	Mr. W. Forster	.....	Locomotive Engines for Public Railways	21 July, ..	63/215	21 July, ..	22 July, ..
					.....	30 July, ..	63/254	30 July, ..	31 July, ..
					.....	18 August, ..	63/326	18 Aug., ..	19 Aug., ..
17	21 July, ..	15	Mr. Dalgleish ..	.....	{ Locomotive Engines recently ordered from	7 August, ..	63/280		
					Great Britain.....				
44	4 Sept., ..	29 ¹	Mr. Eagar . . . . .	.....	{ Locomotive Engines and Materials for Public				
					Railways				
44	4 Sept., ..	29 ²	Mr. Eagar . . . . .	.....	Ditto ditto ditto.				
7	2 July, ..	10	Mr. Wilson	Mahomet Cassim—(Administration of Justice) ..	.....	21 July, ..	63/208	21 July, ..	22 July, ..
130	29 Mar., 1864	2	Mr. Wisdom	{ Manus Strain v. Mr. Ex-Gold Commissioner } Cooper.....	.....	12 April, 1864..	64/194	12 April, 1864	13 April, 1864.
45	8 Sept., 1863	17	Mr. W. Forster	M'Crea, Sergeant—Sydney Volunteers .....	.....	2 December, 1863..	63/560		
49	15 Sept., ..	18	Mr. Wilson	Melville, Robert .....	.....	25 September, ..	63/445	25 Sept., 1863	29 Sept., 1863.
13	14 July, ..	26	Mr. Buchanan ..	{ Miners' Rights, &c., issued by Assistant and } Sub Gold Commissioners .....	.....	1 December, ..	63/549	1 Dec., ..	2 Dec., ..
45	8 Sept., ..	13	Mr. W. Forster	.....	{ Ministers of Religion in receipt of Stipends or } Allowances	24 February, 1864..	64/108	24 Feb., 1864	25 Feb., 1864.
45	8 Sept., ..	11	Mr. Dangar . . . . .	.....	Minor Road Statistics				
124	15 Mar., 1864	4	Mr. Dangar . . . . .	.....	Mint (Sydney) Returns	15 March, 1864..	64/148	15 Mar., ..	16 Mar., ..
143	20 April, ..	11	Mr. Dalgleish ..	.....	Naval Brigade				
13	14 July, 1863	10 ¹	Mr. Holroyd ..	.....	Nealds, Mr. C. J., late Railway Traffic Manager.				
13	14 July, ..	10 ²	Mr. Holroyd ..	.....	.....		
144	21 April, 1864	11	Mr. Dalgleish ..	.....	Newspapers—Returns respecting.....				
109	16 Feb., 1864	12	Mr. Burns	{ O'Connell, Mr. Michael—(Administration of } Justice .....	.....	1 April, 1864..	64/182		
101	2 Feb., ..	31	Mr. Garrett . . . . .	.....	{ Partridge, Mr. James—Fire Extinguishing } Apparatus				
130	29 Mar., ..	5	Mr. Alexander..	.....	Passenger and Goods Traffic on Railways.....	12 April, 1864..	64/193	12 April, 1864	13 April, 1864.
57	29 Sept., 1863	18	Mr. Harpur . . . . .	.....	Patients in Lunatic Asylums.....	30 December, 1863..	63/645	30 Dec., 1863	4 Jan., ..
57	29 Sept., ..	17	Mr. Harpur . . . . .	.....	Pauper Inmates of Charitable Institutions ..	21 April, 1864 } (In part.) }	64/233		
109	16 Feb., 1864	6	Mr. Lucas	Perry, F. W.—Defalcation of .....	.....			
70	1 Dec., 1863	13	Mr. Dangar . . . . .	.....	{ Persons in the employ of Government who } have surrendered their Estates				

ALPHABETICAL REGISTER, &c.—continued.

WHEN PASSED.			ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.	
VOTES.				By Address.	By Order.			Date of Order.	When delivered for Printing.
No.	Date.	Entry.							
128	23 Mar., 1864	5	Mr. Garrett		{ Products of the Colony approved at Great Exhibition in London				
114	24 Feb., "	5	Mr. Arnold		{ Railway Contractors and Contracts				
9	7 July, 1863	11	Mr. Piddington		{ Real Property Act (Returns)	14 July, 1863..	63/181	14 July, 1863	15 July, 1863.
32	14 Aug., "	15	Mr. W. Forster		{ Regulations for payment of Stipends to absent Clergymen				
29	11 Aug., "	13	Mr. Morris	{ Remarks reported to have been made by the Secretary for Lands regarding the Administration of Justice		12 August, " ..	63/298	12 Aug., "	12 Aug., "
25	4 Aug., "	9	Mr. Holroyd ..		{ Reserved Land at Kiama				
21	28 July, "	14	Mr. W. Forster		{ Road Reserves Sold, or surveyed for Sale, and Roads proclaimed	21 April, 1864 } (In part.)	64/239	21 April, 1864	25 April, 1864.
5	30 June, "	12	Mr. Wilson	{ Sanders, Mr.—Removal of, as Teacher under National School Board		28 July, 1863..	63/244	5 Aug., 1863	6 Aug., 1863.
9	7 July, "	6	Mr. W. Forster		{ Scab in Sheep—Returns relative to	2 December, " ..	63/559	2 Dec., "	3 Dec., "
5	30 June, "	15	Mr. Macpherson		{ Seed Wheat and Oats supplied by Government	21 April, 1864..	64/241	21 April, 1864	25 April, 1864.
144	21 April, 1864	12	Mr. Morris	Stack, Rev. William					
139	13 April, "	2	Mr. Lucas		{ Superintendent of Pilots, Light-houses, and Harbours	20 April, " ..	64/217	20 April, "	21 April, "
143	20 April, "	10	Mr. Terry		{ Survey of Railway Line from Muswellbrook to Mudgee				
21	28 July, 1863	13	Mr. Lackey		{ Tenders for leasing Railways	23 September, 1863..	63/436	23 Sept., 1863	24 Sept., 1863.
73	4 Dec., "	14	Mr. J. T. Ryan		{ Tenders for constructing portions of Great Southern Railway				
24	31 July, "	13	Mr. Sadleir	Transfer of Teacher of National School		18 August, " ..	63/321	18 Aug., "	19 Aug., "
141	15 April, 1864	6	Mr. Piddington		{ Treasury Balances	21 April, 1864..	64/240	21 April, 1864	25 April, 1864.
70	1 Dec., 1863	22	Mr. Weekes		{ Treasury Books—Examinations of Accounts and Balances in, at retirement of Colonial Treasurers	26 February, " ..	64/112	26 Feb., "	26 Feb., "
13	14 July, "	9	Mr. Holroyd ..		{ Wharf and Pier at Wollongong	15 March, " ..	64/149	15 Mar., "	16 Mar., "
74	8 Dec., "	22	Dr. Lang	Williams and Brodie (Administration of Justice)		25 February, " ..	64/111	25 Feb., "	26 Feb., "
84	29 Dec., "	22	Mr. Leary	Wood, Brothers, and Kirk					
13	14 July, "	16	Mr. W. Forster	Wotherspoon, Mr. Andrew		30 July, 1863..	63/250		

Legislative Assembly Office,
Sydney, 22 April, 1864.

CHARLES TOMPSON,
Clerk of Legislative Assembly.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SUPPLEMENTARY REGISTER OF ADDRESSES AND ORDERS FOR PAPERS DURING FORMER SESSIONS.

WHEN PASSED.			ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.	
VOTES.		Entry.		By Address.	By Order.			Date of Order.	When delivered for Printing.
No.	Date.								
77	7 Oct., 1862	2	Mr. Lucas		{ Advertisements in Newspapers—Expenses of Government	30 June, 1863 (In completion)	63/138	30 June, 1863	1 July, 1863
113	9 Dec., 1862	10	Mr. Dangar		{ Bridge (proposed) over the River Paterson at Dunmore	23 Sept., 1863	63/437	23 Sept., 1863	24 Sept., 1863
113	9 Dec., 1862	11	Mr. Dangar		{ Bridge (proposed) over the River Hunter at West Maitland	28 Aug., 1863	63/353	8 Sept., 1863	9 Sept., 1863
37	29 July, 1862	20	Mr. Dangar		{ Compensation for opening Public Roads through Private Property	24 June, 1863	63/122	24 June, 1863	25 June, 1863
109	2 Dec., 1862	5	Mr. Harpur	Criminal Convictions—Returns of		24 June, 1863	63/114	24 June, 1863	25 June, 1863
56	7 Feb., 1860	15	Mr. Dickson	Expenditure of Public Money—Classification of		26 June, 1863	63/134	26 June, 1863	27 June, 1863
119	19 Dec., 1862 (A.M.)	15	Mr. W. Forster	Farrell, Michael (Administration of Justice)		20 Aug., 1863	63/336	20 Aug., 1863	21 Aug., 1863
27	18 Oct., 1861	10	Mr. Dalgleish		{ Fees received by Government Officers when on Commissions of Inquiry	24 June, 1863	63/113	24 June, 1863	25 June, 1863
119	19 Dec., 1862 (A.M.)	16	Mr. Sadleir		{ Fish—Culture of	16 July, 1863	63/194	16 July, 1863	17 July, 1863
41	5 Aug., 1862	11	Mr. Dalgleish		Grants of Land subject to Quit-Rent	28 July, 1863	63/242	28 July, 1863	29 July, 1863
17	24 June, 1862	8	Mr. W. Forster	Indemnification for Legal Costs—Berry & others		16 Dec., 1863	63/607	17 Dec., 1863	18 Dec., 1863
11	29 Jan., 1861	13	Mr. T. Garrett		Keightley, Mr. (Correspondence)	30 June, 1863	63/145	30 June, 1863	1 July, 1863
21	1 July, 1862	17	Mr. T. Garrett	Mackenzie, Dr., J.P.		22 Sept., 1863	63/427	22 Sept., 1863	23 Sept., 1863
25	8 July, 1862	7	Mr. Driver	Magistrates' Attendances		8 July, 1863	63/165		
119	18 Dec., 1862	12	Mr. W. Forster	Magistrates Superseded		26 Aug., 1863 (in part)	63/347	26 Aug., 1863	27 Aug., 1863
85	21 Oct., 1862	13	Mr. Rotton	Members of Parliament employed by the Government		26 June, 1863	63/135	26 June, 1863	27 June, 1863
109	2 Dec., 1862	15	Mr. Samuel		Parramatta Road—Repairs of	5 Aug., 1863	63/273	5 Aug., 1863	6 Aug., 1863
27	18 Oct., 1861	9	Mr. Dalgleish		Patents or Improvements	24 June, 1863	63/120		
56	29 Aug., 1862	21	Mr. Sadleir	Police Force (New)		13 Jan., 1864	64/26	13 Jan., 1864	14 Jan., 1864
101	18 Nov., 1862	8	Mr. Dangar		Public Pounds—Returns relative to	3 Dec., 1863	63/568	3 Dec., 1863	4 Dec., 1863
23	11 Oct., 1861	16	Mr. Holroyd		Railway Constructions at Parramatta—Cost of	21 Aug., 1863	63/338	21 Aug., 1863	22 Aug., 1863
23	11 Oct., 1861	22	Mr. Burns		Railway Embankment at Wallis Creek	26 Nov., 1863	63/535	26 Nov., 1863	27 Nov., 1863
33	22 July, 1862	9	Mr. W. Forster		Reservations upon Runs in Tumut District	23 July, 1863	63/230		
68	31 Dec., 1861	19	Mr. Dangar		Road Votes for Northern Districts	27 Aug., 1863	63/351	27 Aug., 1863	28 Aug., 1863
73	30 Sept., 1862	11	Mr. Sadleir	Robberies, Bushrangers, and Police—Returns relating to (Administration of Justice)		24 June, 1863	63/123		
56	29 Aug., 1862	16	Mr. Holroyd		Securities given by Public Servants	9 July, 1863 (Further Return)	63/171	9 July, 1863	10 July, 1863
117	16 Dec., 1862	10	Mr. Gordon		{ Sheep destroyed under "Scab in Sheep Act" in Castlereagh District	23 June, 1863	63/103	23 June, 1863	24 June, 1863
102	19 Nov., 1862	22	Mr. Lucas		Telegrams, Government—Expense of	14 July, 1863	63/186	14 July, 1863	15 July, 1863
109	2 Dec., 1862	22	Mr. Martin	The Queen v. Whittaker (Administration of Justice)		30 June, 1863	63/139	30 June, 1863	1 July, 1863
109	2 Dec., 1862	9	Mr. Dangar		Unclaimed Poundage Proceeds	6 Oct., 1863	63/470	6 Oct., 1863	7 Oct., 1863
						13 Aug., 1863	63/304	23 Sept., 1863	24 Sept., 1863
						23 June, 1863	63/104	23 June, 1863	24 June, 1863

Legislative Assembly Offices,
Sydney, 22 April, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ALPHABETICAL REGISTER OF ADDRESSES (NOT BEING FOR PAPERS) TO THE GOVERNOR, DURING THE SESSION OF 1863-4.

SUBJECT OF ADDRESS.	ORIGINATED IN THE ASSEMBLY.				WHEN PASSED OR AGREED TO.			WHEN AND HOW PRESENTED.				WHEN AND HOW ANSWERED.				REMARKS.
	VOTES.				VOTES.			VOTES.				VOTES.				
	No.	Date.	Entry.	On whose Motion.	No.	Date.	Entry.	No.	Date.	Entry.	By Whom.	No.	Date.	Entry.	By Whom and How.	
Church and School Lands	20	25 July, 1863 (A.M.)	11	.....	20	25 July, 1863 (A.M.)	11	..	28 July, 1863	..	The Speaker.					
Court House (proposed), Picton	25	4 Aug., 1863	32	Mr. Morrice	25	4 Aug., 1863	32	..	11 Aug., 1863	..	Ditto.					
Estimates for 1864—Withdrawal of.....	68	26 Nov., 1863	9	Mr. Eagar	68	26 Nov., 1863	9	..	1 Dec., 1863	..	Ditto.					
Members of Parliament travelling by } Railway—Freedom of Charge to }	44	4 Sept., 1863	18	Mr. Stewart	44	4 Sept., 1863	18	..	8 Sept., 1863	..	Ditto.					
Ministerial Offices	2	24 June, 1863	19	Mr. Martin	2	24 June, 1863	19	..	26 June, 1863	..	Ditto.					
Old Burial Ground in George-street.....	105	9 Feb., 1864	7	Mr. Hart	105	9 Feb., 1864	7	..	10 Feb., 1864	..	Ditto.					
Reply to Governor's Opening Speech	1	23 June, 1863	10	Mr. Cunneen ..	1	23 June, 1863	10	2	24 June, 1863	1	{ Legislative Assembly .. }	2	24 June, 1863	1	The Governor ..	{ Committee appointed to prepare Reply.
Reserve at Newcastle—Enclosing and } Improving	24	31 July, 1863	8	Mr. Hannell ..	24	31 July, 1863	8	..	4 Aug., 1863	..	The Speaker.					

Legislative Assembly Offices,
Sydney, 22 April, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SESSION OF 1863-4.

No. of Committee	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	NUMBER OF MEETINGS.		No. of WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
1	The Governor's Opening Speech	23 June, 1863; Votes 1, Entry 10 (On motion of Mr. Cunneen.)	{ Mr. Cunneen, Mr. Gordon, Mr. Burdekin, Mr. Hart, Mr. Caldwell, Mr. Lackey, Mr. Darvall, ¹ Mr. Robertson. <small>¹ Seat declared vacant, 31 July, 1863.</small>	Mr. Cunneen	1	1	None.	Final, 23 June, 1863.
2	Standing Orders.....	24 June, 1863; Votes 2, Entry 12 (On motion of Mr. Cowper.)	{ The Speaker, Mr. Weekes, Mr. Cowper, Mr. Piddington, Mr. Arnold, Mr. Samuel, Mr. Hart, Mr. Smart, Mr. Dalley, Mr. Wisdom.	The Speaker	14	6	2	{ First, 4 August, 1863. (" Proposal to dispense with 65th Standing Order, in respect of two Private Bills.") Second, 10 December, 1863. (" Proposal to dispense, in part, with 62nd Standing Order— Cross Bench Accommodation.")
3	Library	24 June, 1863; Votes 2, Entry 13 (On motion of Mr. Cowper.)	{ The Speaker, Dr. Lang, Mr. Cowper, Mr. Faucett, ¹ Mr. Arnold, Mr. Wilson, ² Mr. Cunneen, Mr. Wisdom, Mr. Dalley, Mr. Hart. <small>¹ Seat declared vacant, 20 October, 1863; restored, 27 November, 1863. ² Seat declared vacant, 20 October, 1863; restored, 27 November, 1863.</small>	The Speaker	3	3	None.	31 March, 1864. (" Proposed admission of Mem- bers of other Australian Legis- latures to Library and Refreshment Room.")
4	Payments made out of Public Funds } without Authority of Parliament }	26 June, 1863; Votes 4, Entry 4..... (By Ballot.)	{ Mr. Martin, Mr. Darvall, ¹ Mr. Cowper, Mr. Lucas, Mr. Caldwell, Mr. Burdekin, Mr. Arnold, Mr. Egan, Mr. Dalley, Mr. Holt. <small>¹ Seat declared vacant, 31 July, 1863.</small>	Mr. Martin	10	10	5	Final, 18 August, 1863.

STANDING AND SELECT COMMITTEES—*continued.*

No. of Committee	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	NUMBER OF MEETINGS.		No. OF WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
5	Miss Isabella Mary Kelly.....	1 July, 1863; Votes 6, Entry 13..... (On motion of Mr. Flett.)	{ Mr. Arnold, Mr. Morrice, Mr. Cunneen, Mr. Morris, Mr. Garrett, Mr. Stewart, Mr. W. Forster, ¹ Mr. Allen, Mr. Harpur, Mr. Flett. ¹ Seat declared vacant, 20 October, 1863.	Mr. Allen.....	17	16	9	Final, 20 October, 1863.
6	Harbour Defences	1 July, 1863; Votes 6, Entry 19..... (By Ballot.)	{ Mr. Macleay, Mr. Martin, Mr. Egar, Mr. Arnold, Mr. Sadleir, Mr. Piddington, Mr. W. Forster, Mr. Cowper, Mr. Egan, Capt. Moriarty.	Mr. Macleay ...	10	10	9	Final, 9 September, 1863.
7	Elections and Qualifications	25 June, 1863; Votes 3, Entry 2..... (By Speaker's Warrant, effectuating 2 July, 1863.)	{ William Macleay, Esquire, Thomas Garrett, Esquire, John Bowie Wilson, ¹ Esquire, James Hart, Esquire, William Richman Piddington, Esquire, John Caldwell, Esquire, Hugh Gordon, Esquire, Augustus Morris, ² Esquire. ¹ Seat declared vacant, 20 October, 1863. ² Added, 26 November, 1863.	Mr. Piddington ..	9	7	8	10 September, 1863. ("Question of Privilege—in reference to Seats in the Legis- lative Assembly, held by Members who have accepted employment under the Go- vernment.")
8	Penal, Reformatory, and Charitable } Establishments	8 July, 1863; Votes 10, Entry 9..... (On motion of Mr. Cowper.)	{ Mr. Caldwell, Mr. Lucas, Mr. Cunneen, Mr. Piddington, Mr. W. Forster, ¹ Mr. Sadleir, Mr. Hart, Mr. Wilson, ² Dr. Lang, Mr. Cowper. ¹ Seat declared vacant, 20 October, 1863; restored, 13 January, 1864. ² Seat declared vacant, 20 October, 1863; restored, 13 January, 1864.	Mr. Cowper	5	4	1	
9	Present State and Management of } Lunatic Asylums.....	14 July, 1863; Votes 13, Entry 14.... (On motion of Mr. Wilson.)	{ Mr. Cowper, Mr. Allen, Mr. Martin, ¹ Mr. Piddington, Mr. Holroyd, ² Mr. Lucas, Mr. W. Forster, ³ Mr. Hart, Mr. Harpur, Mr. Wilson. ⁴ ¹ Seat declared vacant, 20 October, 1863. ² Seat declared vacant, 20 October, 1863; restored, 3 February, 1864. ³ Seat declared vacant, 20 October, 1863. ⁴ Seat declared vacant, 20 October, 1863; restored, 3 February, 1864.	Mr. Wilson	27	20	17	{ First Progress, 26 August, 1863. Second Progress, 20 April, 1864.

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STANDING AND SELECT COMMITTEES—continued.

No. of Committee	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	NUMBER OF MEETINGS.		NO. OF WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
10	Waratah Coal Company's Incorporation Bill	14 July, 1863; Votes 13, Entry 24.... (On motion of Mr. Samuel.)	{ Mr. Arnold, Mr. Piddington, Mr. Garrett, Mr. Stewart, Mr. Hannell, Mr. Gordon, Mr. Lucas, Mr. Flett, Mr. Sadleir, Mr. Samuel.	Mr. Samuel	2	2	1	Final, 17 July, 1863.
11	Petition of Thomas Duke Allen.....	21 July, 1863; Votes 17, Entry 14.... (On motion of Mr. R. Forster.)	{ Mr. Cowper, Mr. Love, Mr. W. Forster, ¹ Mr. Morrice, Mr. Dangar, Mr. Holroyd, ² Mr. Sutherland, Mr. Macpherson, Mr. Lackey, Mr. R. Forster. ¹ Seat declared vacant, 20 October, 1863; restored, 1 December, 1863. ² Seat declared vacant, 20 October, 1863; restored, 1 December, 1863.	Mr. R. Forster ..	8	6	10	Final, 8 December, 1863.
12	European Assurance Society's Bill....	31 July, 1863; Votes 24, Entry 22.... (On motion of Mr. Cowper.)	{ Mr. Alexander, Mr. Leary, Mr. Burdekin, Mr. Piddington, Mr. C. Cowper, junr., Mr. Stewart, Mr. Hart, Mr. Cowper.	Mr. Cowper	1	1	1	Final, 7 August, 1863.
13	Robert Stewart	11 August, 1863; Votes 29, Entry 5... (On motion of Mr. Mate.)	{ Mr. Robertson, Mr. Lucas, Mr. Caldwell, Mr. Allen, Mr. Cunneen, Mr. Sutherland, Mr. W. Forster, ¹ Mr. Hart, Mr. Terry, Mr. Mate. ¹ Seat declared vacant, 20-October, 1863.	Mr. Mate	9	7	9	Final, 20 October, 1863.
14	Commercial Banking Company's Act } Amendment Bill	11 August, 1863; Votes 29, Entry 21.. (On motion of Mr. Cowper.)	{ Mr. Caldwell, Mr. Samuel, Mr. Hart, Mr. C. Cowper, junr., ¹ Mr. Holt, Mr. Weekes, Mr. Leary, Mr. Cowper. Mr. Piddington, ¹ Seat vacant, 24 October, 1863.	Mr. Cowper	1	1	1	Final, 14 August, 1863.
15	Presbyterian College Bill.....	4 September, 1863; Votes 44, Entry 13 (On motion of Dr. Lang.)	{ Mr. Morris, Mr. Piddington, Mr. Robertson, Mr. Walker, Mr. Wilson, Mr. Dalgleish, Mr. Flett, Mr. Stewart, Mr. Gray, Dr. Lang.	Dr. Lang	4	4	5	Final, 6 October, 1863.

STANDING AND SELECT COMMITTEES—*continued.*

No. of Committee	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	NUMBER OF MEETINGS.		NO. OF WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
16	Exchange of Land, Scots Church, Jamison-street, Legalizing Bill.	4 September, 1863; Votes 44, Entry 14 (<i>On motion of Dr. Lang.</i>)	{ Mr. Bell, Mr. Dalglish, Mr. Robertson, Mr. Stewart, Mr. Sutherland, Mr. Mate, Mr. Piddington, Mr. Sadleir, Mr. Garrett, Dr. Lang. }	Mr. Dalglish	5	5	4	Final, 1 April, 1864.
17	Cardiff Coal Company's Incorporation Bill	4 September, 1863; Votes 44, Entry 21 (<i>On motion of Mr. Garrett.</i>)	{ Mr. Robertson, Mr. Caldwell, Mr. Stewart, Mr. Flett, Mr. Sutherland, Mr. Harpur, Mr. Tighe, Mr. Driver, Mr. Garrett. }	Mr. Garrett	2	1	1	Final, 10 September, 1863.
18	Mr. John Busby	4 September, 1863; Votes 44, Entry 43 (<i>On motion of Mr. Sadleir.</i>)	{ Mr. Robertson, Dr. Lang, Mr. Dangar, Mr. Cunneen, Mr. Raper, Mr. Morrice, Mr. Flett, Mr. Stewart, Mr. Sadleir. }	Mr. Sadleir	20	16	11	{ Progress, 17 December, 1863. Final ("Petition of Mr. James M'Intosh,") 24 February, 1864.
19	Parnell's Trust Bill	11 September, 1863; Votes 48, Entry 9 (<i>On motion of Mr. Cowper.</i>)	{ Mr. Alexander, Mr. Cunneen, Mr. Gray, Mr. Hart, Mr. Holt, Mr. Mate, Mr. Rotton, Mr. Samuel, Mr. Sutton, Mr. Cowper. }	Mr. Cowper	1	1	2	Final, 25 September, 1863.
20	Railway through Ultimo Estate	15 September, 1863; Votes 49, Entry 10 (<i>On motion of Mr. Gray.</i>)	{ Mr. Arnold, Mr. Hart, Mr. Caldwell, Mr. Stewart, Mr. Cunneen, Mr. Sutherland, Mr. Lucas, Mr. Morrice, Mr. Bell, Mr. Gray. ¹ }	Mr. Gray, 18 Sept., 1863. Mr. Cunneen, 17 Feb., 1864. }	23	18	15	Progress, 19 April, 1864.
			¹ Seat declared vacant, 12 April, 1864.					
21	Newcastle Wallsend Coal Company	15 September, 1863; Votes 49, Entry 12 (<i>On motion of Mr. Wilson.</i>)	{ Mr. Arnold, Mr. Hannell, Mr. Piddington, Mr. Love, Mr. Caldwell, Mr. Tighe, Mr. Dalglish, Mr. Lucas, Mr. Gordon, Mr. Wilson. ¹ }	Mr. Wilson	4	3	None	
			¹ Seat declared vacant, 20 October, 1863.					
22	Death of John Hart in Benevolent Asylum at Liverpool	15 September, 1863; Votes 49, Entry 13 (<i>On motion of Mr. Macpherson.</i>)	{ Mr. Cowper, Mr. Bell, Mr. Buchanan, Mr. Dalglish, Mr. W. Forster, ¹ Mr. R. Forster, Mr. Hart, Mr. Lucas, Mr. Harpur, Mr. Macpherson. }	Mr. Macpherson	8	6	9	Final, 2 March, 1864.
			¹ Seat declared vacant, 20 October, 1863; restored, 26 November, 1863.					

4

STANDING AND SELECT COMMITTEES—*continued.*

No. of Committee	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	NUMBER OF MEETINGS.		NO. OF WITNESSES EXAMINED.	WHEN REPORTED.												
					Called.	Held.														
23	Mortgage on the property of the Scots Church, Sydney—Claims of Dr. Lang	15 September, 1863; Votes 49, Entry 19 (By Ballot.)	<table border="0"> <tr> <td>Mr. Faucett,¹</td> <td>Mr. Sutherland,</td> </tr> <tr> <td>Mr. Dalgleish,</td> <td>Mr. Gray,²</td> </tr> <tr> <td>Mr. Caldwell,</td> <td>Mr. Stewart,</td> </tr> <tr> <td>Mr. Cowper,</td> <td>Mr. Allen,</td> </tr> <tr> <td>Mr. Piddington,</td> <td>Mr. Macpherson.</td> </tr> </table> <p>¹ Seat declared vacant, 20 October, 1863; restored, 6 January, 1864. ² Seat declared vacant, 12 April, 1864.</p>	Mr. Faucett, ¹	Mr. Sutherland,	Mr. Dalgleish,	Mr. Gray, ²	Mr. Caldwell,	Mr. Stewart,	Mr. Cowper,	Mr. Allen,	Mr. Piddington,	Mr. Macpherson.	Mr. Cowper.....	16	12	7			
Mr. Faucett, ¹	Mr. Sutherland,																			
Mr. Dalgleish,	Mr. Gray, ²																			
Mr. Caldwell,	Mr. Stewart,																			
Mr. Cowper,	Mr. Allen,																			
Mr. Piddington,	Mr. Macpherson.																			
24	Mr. James K. Montgomery—Claim for Compensation.....	22 September, 1863; Votes 53, Entry 7 (On motion of Mr. Driver.)	<table border="0"> <tr> <td>Mr. Cowper,</td> <td>Mr. Wilson,¹</td> </tr> <tr> <td>Mr. Garrett,</td> <td>Mr. Piddington,</td> </tr> <tr> <td>Mr. Hannell,</td> <td>Capt. Moriarty,²</td> </tr> <tr> <td>Mr. Dalgleish,</td> <td>Mr. Driver,</td> </tr> <tr> <td>Mr. Dalley,</td> <td>Mr. W. Forster.³</td> </tr> </table> <p>¹ Seat declared vacant, 20 October, 1863; restored, 12 April, 1864. ² Seat declared vacant, 13 January, 1864. ³ Added, 12 April, 1864.</p>	Mr. Cowper,	Mr. Wilson, ¹	Mr. Garrett,	Mr. Piddington,	Mr. Hannell,	Capt. Moriarty, ²	Mr. Dalgleish,	Mr. Driver,	Mr. Dalley,	Mr. W. Forster. ³	Mr. Driver.....	10	3	5			
Mr. Cowper,	Mr. Wilson, ¹																			
Mr. Garrett,	Mr. Piddington,																			
Mr. Hannell,	Capt. Moriarty, ²																			
Mr. Dalgleish,	Mr. Driver,																			
Mr. Dalley,	Mr. W. Forster. ³																			
25	Reservations upon Runs in Tumut District	29 September, 1863; Votes 57, Entry 11 (On motion of Mr. Rusden.)	<table border="0"> <tr> <td>Mr. Martin,¹</td> <td>Mr. Mate,</td> </tr> <tr> <td>Mr. Close,</td> <td>Mr. Robertson,</td> </tr> <tr> <td>Mr. Cunneen,</td> <td>Mr. Wilson,³</td> </tr> <tr> <td>Mr. W. Forster,²</td> <td>Mr. Rusden,</td> </tr> <tr> <td>Mr. Garrett,</td> <td>Mr. Buchanan,⁴</td> </tr> <tr> <td>Mr. Gordon,</td> <td>Mr. Macleay.⁵</td> </tr> </table> <p>¹ Seat declared vacant, 20 October, 1863. ² Seat declared vacant, 20 October, 1863; restored, 8 December, 1863. ³ Seat declared vacant, 20 October, 1863. ⁴ Added, 8 December, 1863. ⁵ Added, 8 December, 1863.</p>	Mr. Martin, ¹	Mr. Mate,	Mr. Close,	Mr. Robertson,	Mr. Cunneen,	Mr. Wilson, ³	Mr. W. Forster, ²	Mr. Rusden,	Mr. Garrett,	Mr. Buchanan, ⁴	Mr. Gordon,	Mr. Macleay. ⁵	Mr. Rusden.....	16	11	6	Final, 11 March, 1864.
Mr. Martin, ¹	Mr. Mate,																			
Mr. Close,	Mr. Robertson,																			
Mr. Cunneen,	Mr. Wilson, ³																			
Mr. W. Forster, ²	Mr. Rusden,																			
Mr. Garrett,	Mr. Buchanan, ⁴																			
Mr. Gordon,	Mr. Macleay. ⁵																			
26	Working of the Gold Fields Act.....	29 September, 1863; Votes 57, Entry 13 (On motion of Mr. Rusden.)	<table border="0"> <tr> <td>Mr. Robertson,</td> <td>Mr. Garrett,</td> </tr> <tr> <td>Mr. Buchanan,</td> <td>Mr. Mate,</td> </tr> <tr> <td>Mr. Wilson,¹</td> <td>Mr. C. Cowper, junr.,²</td> </tr> <tr> <td>Mr. Wisdom,</td> <td>Mr. Rusden.</td> </tr> <tr> <td>Mr. Gray,</td> <td></td> </tr> </table> <p>¹ Seat declared vacant, 20 October, 1863; restored, 26 November, 1863. ² Seat vacant, 24 October, 1863; restored, 26 November, 1863.</p>	Mr. Robertson,	Mr. Garrett,	Mr. Buchanan,	Mr. Mate,	Mr. Wilson, ¹	Mr. C. Cowper, junr., ²	Mr. Wisdom,	Mr. Rusden.	Mr. Gray,		Mr. Buchanan....	15	11	4	Final, 9 March, 1864.		
Mr. Robertson,	Mr. Garrett,																			
Mr. Buchanan,	Mr. Mate,																			
Mr. Wilson, ¹	Mr. C. Cowper, junr., ²																			
Mr. Wisdom,	Mr. Rusden.																			
Mr. Gray,																				

STANDING AND SELECT COMMITTEES—continued.

No. of Committee	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	NUMBER OF MEETINGS.		NO. OF WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
27	Colonial Sugar Refining Company's Bill	29 September, 1863; Votes 57, Entry 25 (On motion of Mr. Samuel.)	{ Mr. Smart, Mr. Mate, Mr. Garrett, Mr. Dalglish, Mr. Lucas, Mr. Egan, Mr. Caldwell, Mr. Samuel. }	Mr. Samuel	1	1	1	Final, 6 October, 1863.
28	Disorganized State of the Public Works Department	6 October, 1863; Votes 61, Entry 16.. (On motion of Mr. Lucas.)	{ Mr. Arnold, Mr. Morris, Mr. Martin, ¹ Mr. W. Forster, ² Mr. Garrett, Mr. Driver, Mr. Wilson, ² Mr. Lucas, Mr. Gray, Mr. Stewart, ⁴ Mr. Dalglish, Mr. Tighe. ⁵ }	Mr. Lucas	46	35	35	Progress, 7 April, 1864.
			¹ Seat declared vacant, 20 October, 1863. ² Seat declared vacant, 20 October, 1863. ³ Seat declared vacant, 20 October, 1863; restored, 25 November, 1863. ⁴ Added, 25 November, 1863. ⁵ Added, 25 November, 1863.					
29	Cox's Marriage Settlement Bill	1 December, 1863; Votes 70, Entry 19 (On motion of Mr. Holroyd.)	{ Mr. Samuel, Mr. Mate, Mr. Macleay, Mr. Bell, Mr. Rusden, Mr. Emanuel, Mr. Garrett, Mr. Harpur, Mr. Leary, Mr. Holroyd. }	Mr. Holroyd	2	1	3	Final, 16 December, 1863.
30	Moruya Silver Mining Company's Incorporation Bill	1 December, 1863; Votes 70, Entry 20 (On motion of Mr. Leary.)	{ Mr. Morris, Capt. Moriarty, Mr. Garrett, Mr. Burdekin, Mr. Egan, Mr. Leary. }	Mr. Leary	1	1	1	Final, 11 December, 1863.
31	Sydney Water Reserves	2 February, 1864; Votes 101, Entry 36 (On motion of Mr. Lucas.)	{ Mr. Wilson, Mr. Lucas, Mr. Robertson, Mr. Piddington, Mr. Caldwell, Mr. Saddleir, Dr. Lang, Mr. Dalglish, Mr. Garrett, Mr. Stewart. }	Mr. Stewart.....	8	6	7	Progress, 21 April, 1864.
32	Bank of New South Wales Incorporation Act Amendment Bill	5 February, 1864; Votes 104, Entry 7 (On motion of Mr. Martin.)	{ Mr. Dalglish, Mr. Macleay, Mr. Eagar, Mr. Walker, Mr. W. Forster, Mr. Martin. Mr. Leary, }	Mr. Martin	2	1	1	Final, 12 February, 1864.
33	Darling Harbour and Blackwattle Bay	16 February, 1864; Votes 109, Entry 5 (On motion of Mr. Lucas.)	{ Mr. Wilson, Mr. Dalglish, Mr. Stewart, Mr. Love, Mr. Hart, Mr. Smart, Mr. Morrice, Mr. Lucas. Mr. Sutherland, }	Mr. Lucas	4	3	2	Progress, 22 April, 1864.

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STANDING AND SELECT COMMITTEES—*continued.*

No. of Committee	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	NUMBER OF MEETINGS.		NO. OF WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
34	Claim of Robert Stewart to Land in Illawarra	16 February, 1864; Votes 109, Entry 14 (<i>On motion of Mr. Tighe.</i>)	{ Mr. Wilson, Mr. Sadleir, Mr. Morrice, Mr. Dangar, Mr. Raper, Mr. Love, Mr. Morris, Mr. Dalley, Mr. Dalgleish, Mr. Tighe.	Mr. Tighe	7	6	9	Final, 11 March, 1864.
35	Claims of Tenants of the Crown.....	15 March, 1864; Votes 124, Entry 10.. (<i>On motion of Mr. Cunneen.</i>)	{ Mr. Piddington, Mr. Lackey, Mr. Harpur, Mr. Cowper, Mr. Robertson, Mr. Lucas, Mr. Wilson, Mr. Egan, Mr. Stewart, Mr. Cunneen.	Mr. Cunneen	8	6	6	Progress, 20 April, 1864.
36	Bathurst Market Bill.....	30 March, 1864; Votes 131, Entry 4 .. (<i>On motion of Mr. Driver.</i>)	{ Mr. W. Forster, Mr. Cummings, Mr. Wilson, Mr. Dangar, Mr. Garrett, Mr. Driver. Mr. Wisdom,	Mr. Driver	1	1	1	Final, 31 March, 1864.
37	Queensland Steam Navigation Company's Incorporation Bill	30 March, 1864; Votes 131, Entry 5 .. (<i>On motion of Mr. Leary.</i>)	{ Mr. Bell, Mr. Samuel, Mr. Terry, Mr. Sadleir, Mr. Alexander, Mr. Burns, Mr. Garrett, Mr. R. Forster, Mr. Egan, Mr. Leary.	Mr. Leary	1	1	2	Final, 31 March, 1864.
38	Tom Dight Mackenzie	1 April, 1864; Votes 133, Entry 18 .. (<i>On motion of Mr. Garrett.</i>)	{ Mr. Eagar, Mr. Terry, Mr. Weekes, Mr. Smart, Mr. Burdekin, Mr. Driver, Mr. Tighe, Mr. Dangar, Mr. Cunneen, Mr. Garrett.	Mr. Garrett	5	4	7	Final, 21 April, 1864.
39	Mineral Land selected by the Honorable Arthur Todd Holroyd	1 April, 1864; Votes 133, Entry 22 .. (<i>On motion of Mr. Garrett.</i>)	{ Mr. Wilson, Mr. Morris, Mr. Robertson, Mr. Gordon, Mr. Tighe, Mr. Holt, Mr. Cunneen, Mr. Burdekin, Mr. Hart, Mr. Garrett.	Mr. Garrett	3	3	6	Final, 21 April, 1864.

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Legislative Assembly Offices,
Sydney, 22 April, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BUSINESS OF THE LEGISLATIVE ASSEMBLY OF NEW SOUTH WALES,
DURING THE SESSION OF 1863-4.

1. New Writs issued											11
2. Select Committees :—											
On Public Bills	None.										
On other Public Matters	23										
On Private Bills	13										
	—										36
3. Standing Committees											3
4. Election Committee (number of cases)											1
5. Public Bills :—											
Originated in the Assembly—											
Received the Royal Assent	15										
Reserved for signification of Her Majesty's Pleasure thereon	None.										
Dropped or otherwise disposed of	36										
	—	51									
Brought from the Council—											
Received the Royal Assent	1										
Reserved for signification of Her Majesty's Pleasure thereon	None.										
Dropped or otherwise disposed of	1										
	—	2									
											53
6. Private Bills :—											
Originated in the Assembly—											
Received the Royal Assent	10										
Dropped or otherwise disposed of	3										
	—	13									
Brought from the Council	None.										13
7. Petitions received :—											
Printed	150										
Not Printed	63										
	—										213
8. Divisions :—											
In the House	176										
In Committee of the Whole	229										
	—										405
9. Sittings :—											
Days of Meeting											145
Hours of Sitting											1061hrs.55min.
Hours of Sitting after Midnight											54 „ 51 „
Daily Average											7 „ 19 „
Adjourned for want of a Quorum :—											
Before Commencement of Business	6										
After Commencement of Business	15										
	—										21
10. Votes and Proceedings											145
Entries in Votes and Proceedings :—											
Of Business done	1,765										
Of Notices of Motion	5,786										
Of Orders of the Day	3,287										
Of Questions	954										
Of Contingent Notices	116										
	—										11,908
Daily Average											82
11. Contingent Notices and Notices of Clauses and Amendments to Bills to be moved in Committee											17
Entries in Contingent Notice Paper											102
12. Orders for Papers											60
13. Addresses for Papers											29
14. Other Addresses											8
15. Papers laid upon the Table :—											
By Message	16										
By Command	156										
In Return to Orders	62										
In Return to Addresses	33										
Reports from Select Committees	33										
Proceedings of, and Evidence taken before, ditto (of last Session)	2										
	—										307
Ordered to be Printed	283										
Not Ordered to be Printed	24										
	—										307

Legislative Assembly Offices,
Sydney, 22 April, 1864.

CHA. TOMPSON,
Clerk of Legislative Assembly.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

QUESTION OF PRIVILEGE.

(IN REFERENCE TO SEATS IN THE LEGISLATIVE ASSEMBLY, HELD BY MEMBERS WHO HAVE ACCEPTED
EMPLOYMENT UNDER THE GOVERNMENT.)

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS;

WITH

MINUTES OF PROCEEDINGS OF THE COMMITTEE,

EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

10 *September*, 1863.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1863.

[*Price*, 1s. 6d.] 215—*a*

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES No. 3. THURSDAY, 25 JUNE, 1863.

2. Committee of Elections and Qualifications :—The Speaker, pursuant to the requirement of the Electoral Act of 1858, laid upon the Table his Warrant, appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy :—

“ LEGISLATIVE ASSEMBLY.

“ *By the Honorable the Speaker of the Legislative Assembly
of New South Wales.*

“ Pursuant to the power in that behalf vested in me, as Speaker of the Legislative
“ Assembly of New South Wales, by the Electoral Act of 1858, I do hereby appoint

“ William Macleay, Esquire,

“ Thomas Garrett, Esquire,

“ John Bowie Wilson, Esquire,

“ James Hart, Esquire,

“ William Richman Piddington, Esquire,

“ John Caldwell, Esquire,

“ Hugh Gordon, Esquire,

“ being Members of the said Assembly, to be Members of the Committee of
“ Elections and Qualifications in the said Act referred to, during the present
“ Session of the Assembly aforesaid.

“ Given under my Hand, at the Legislative Assembly Chamber,
“ Macquarie-street, Sydney, this twenty-fifth day of June, in the
“ year of our Lord one thousand eight hundred and sixty-three.

“ JOHN HAY,

“ *Speaker.*”

VOTES No. 7. THURSDAY, 2 JULY, 1863.

6. Committee of Elections and Qualifications :—

(1.) *Maturity of Warrant reported* :—The Speaker reported that his Warrant, appointing the Committee of Elections and Qualifications for the present Session, laid upon the Table on Thursday last, not having been disapproved by the Assembly in the course of the three next sitting days on which the Assembly met for dispatch of business, had now taken effect as an appointment of such Committee; and intimated that it was therefore open to Members of the Committee to be sworn at the Table by the Clerk, in accordance with the 70th section of the Electoral Act of 1858.

(2.) *Members of Committee sworn* :—Whereupon Thomas Garrett, John Bowie Wilson, James Hart, William Richman Piddington, John Caldwell, and Hugh Gordon, Esquires, came to the Table, and were severally sworn by the Clerk as Members of the said Committee.

VOTES No. 8. FRIDAY, 3 JULY, 1863.

2. Committee of Elections and Qualifications :—William Macleay, Esquire, was sworn at the Table by the Clerk, in accordance with the 70th Clause of the Electoral Act of 1858, as a Member of the Committee of Elections and Qualifications for the present Session.

VOTES No. 31. THURSDAY, 13 AUGUST, 1863.

6. Members of Parliament employed by the Government:—Mr. Rotton, claiming precedence for his Motion, on the ground of *Privilege*, moved, pursuant to the notice standing in his name at the bottom of the Paper for to-day, (*as amended* with the concurrence of the House), That “The Return, shewing the names of “all Members of Parliament who have in any way been employed by the “Government or its Officers, the nature of the employment, and the amount of “remuneration paid for such services during the present Parliament,” laid upon the Table of the House and ordered to be printed on the 5th August instant, be referred to the Committee of Elections and Qualifications, with instructions to enquire into the circumstances relating to the employment of the Members of this House therein named, and to report specially, whether or not they, or any of them, have, by the acceptance of an office of emolument, committed a breach of the Constitution Act, and thereby rendered their seats liable to be declared vacant.
Debate ensued.
Question put and passed.
7. Time and Place of first Meeting of Committee of Elections and Qualifications:—Pursuant to the requirement of the 70th section of the Electoral Act of 1858, the Speaker appointed the first Meeting of the Committee of Elections and Qualifications to take place at *noon*, on *Tuesday* next, the 18th of August, in Committee Room No. 2.

VOTES No. 47. THURSDAY, 10 SEPTEMBER, 1863.

3. Committee of Elections and Qualifications:—
(1.) *Privilege*:—Mr. Piddington, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Committee of Elections and Qualifications, to whom it was referred on the 13th August, to inquire as to whether or not certain Honorable Members are disqualified from holding Seats in the Legislative Assembly under the circumstances set forth in the Order of reference—together with Appendix.
And the said Report having been read at length by the Clerk, by direction of the Speaker, as follows:—
- “The Committee of Elections and Qualifications, duly appointed on the 25th “June, 1863, under the provisions of the ‘Electoral Act of 1858,’ to whom “was referred on the 13th August, 1863, a Question of *Privilege* as follows:—
“That ‘The Return shewing the names of all Members of Parliament who
“‘have in any way been employed by the Government or its Officers, the
“‘nature of the employment, and the amount of remuneration paid for such
“‘services during the present Parliament,’ laid upon the Table of the House
“and ordered to be printed on the 5th August instant, be referred to the
“‘Committee of Elections and Qualifications, with instructions to inquire
“‘into the circumstances relating to the employment of the Members of this
“‘House therein named, and to report specially, whether or not they, or any
“‘of them, have, by the acceptance of an office of emolument, committed a
“‘breach of the Constitution Act, and thereby rendered their seats liable to
“‘be declared vacant,’—have considered the cases of the several Members
“mentioned in the said Return, and have agreed to the following
“Resolutions, which they beg to Report to your Honorable House, viz.:—
- “1. That, in the opinion of this Committee, Mr. Robert Henry Mariner
“Forster, during the present Parliament, accepted an office of profit from
“the Crown, and thereby rendered his seat liable to be declared vacant.
 - “2. That, in the opinion of this Committee, Mr. Arthur Todd Holroyd, during
“the present Parliament, did not accept any office of profit from the
“Crown whereby his seat is liable to be declared vacant.
 - “3. That, in the opinion of this Committee, Mr. Richard Driver, during the
“present Parliament, did not accept any office of profit from the Crown
“whereby his seat is liable to be declared void.
 - “4. That, in the opinion of this Committee, Mr. William Love did not accept
“any office of emolument during the present Parliament; but that on the
“1st day of August, 1860, he accepted the office of Postmaster at Redfern,
“being an office of profit under the Crown, and continued to hold such
“office at the time of his election, and until the 18th day of November,
“1861, and has therefore rendered himself liable to have his seat declared
“void as being unqualified at the time of such election.
 - “5. That, in reporting the Resolutions of this Committee to the House, it be
“also reported that the Committee believe that no objection was, or has
“been, taken to Mr. Love’s election on the ground that he was disqualified.
“Your Committee find that Mr. W. B. Dalley was not a Member of the
“House at the time of his *employment* by the Government, and that Mr. W. C.
“Windeyer has ceased to be a Member of the Legislative Assembly.

“Your

“ Your Committee is strongly impressed with a sense of the danger to
 “ the independence and purity of the Legislative Assembly, which may arise from
 “ the practice of selecting Members of Parliament, even for temporary employ-
 “ ment under the Government.

“ Your Committee is unanimously of opinion that the practice alluded to
 “ ought no longer to be continued in any department of the Public Service.”

“ W. R. PIDDINGTON,
 “ Chairman.

“ *Committee Room No. 2,*
 “ *Legislative Assembly,*
 “ *Sydney, 10 September, 1863.*”

Ordered, on motion of Mr. Piddington (after Debate), That the Report, together
 with the accompanying Documents, be printed.

(2.) Adjournment of Committee :—Mr. Piddington then moved, That the Com-
 mittee of Elections and Qualifications have leave to adjourn their sittings *sine die*,
 the matter referred to them having been disposed of.
 Question put and passed.

1863.

NEW SOUTH WALES.

QUESTION OF PRIVILEGE.

REPORT FROM THE COMMITTEE OF ELECTIONS
AND QUALIFICATIONS.

THE Committee of Elections and Qualifications, duly appointed on the 25th June, 1863, under the provisions of the "Electoral Act of 1858," to whom was referred on the 13th August, 1863, a Question of Privilege as follows:—"That 'The Return shewing the names
" "of all Members of Parliament who have in any way been
" "employed by the Government or its Officers, the nature of the
" "employment, and the amount of remuneration paid for such
" "services during the present Parliament,' laid upon the Table of
" the House and ordered to be printed on the 5th August instant,
" be referred to the Committee of Elections and Qualifications,
" with instructions to inquire into the circumstances relating to
" the employment of the Members of this House therein named,
" and to report specially, whether or not they, or any of them,
" have, by the acceptance of an office of emolument, committed a
" breach of the Constitution Act, and thereby rendered their seats
" liable to be declared vacant,"—have considered the cases of the several Members mentioned in the said Returns, and have agreed to the following Resolutions, which they beg to report to your Honorable House, viz. :—

1. That, in the opinion of this Committee, Mr. Robert Henry Mariner Forster, during the present Parliament, accepted an office of profit from the Crown, and thereby rendered his seat liable to be declared vacant.
2. That, in the opinion of this Committee, Mr. Arthur Todd Holroyd during the present Parliament did not accept any office of profit from the Crown whereby his seat is liable to be declared vacant.
3. That, in the opinion of this Committee, Mr. Richard Driver during the present Parliament did not accept any office of profit from the Crown whereby his seat is liable to be declared void.

4.

4. That, in the opinion of this Committee, Mr. William Love did not accept any office of emolument during the present Parliament; but that on the 1st day of August, 1860, he accepted the office of Postmaster at Redfern, being an office of profit under the Crown, and continued to hold such office at the time of his election, and until the 18th day of November, 1861, and has therefore rendered himself liable to have his seat declared void as being unqualified at the time of such election.
5. That, in reporting the resolutions of this Committee to the House, it be also reported that the Committee believe that no objection was, or has been, taken to Mr. Love's election, on the ground that he was disqualified.

Your Committee find that Mr. W. B. Dalley was not a Member of the House at the time of his *employment* by the Government, and that Mr. W. C. Windeyer has ceased to be a Member of the Legislative Assembly.

Your Committee is strongly impressed with a sense of the danger to the independence and purity of the Legislative Assembly, which may arise from the practice of selecting Members of Parliament, even for temporary employment under the Government.

Your Committee is unanimously of opinion that the practice alluded to ought no longer to be continued in any department of the Public Service.

W. R. PIDDINGTON,
Chairman.

*Committee Room, No. 2,
Legislative Assembly,
Sydney, 10 September, 1863.*

**MINUTES OF THE PROCEEDINGS OF THE COMMITTEE OF
ELECTIONS AND QUALIFICATIONS.**

In the matter of a Question of Privilege, referred by the House on 13th August (Votes No. 31, entry 6), as to whether certain Honorable Members are not disqualified from holding seats in the Legislative Assembly, by reason of having accepted employment under the Government.

TUESDAY, 18 AUGUST, 1863.

MEMBERS PRESENT :—

Mr. Macleay,	Mr. Garrett,
Mr. Wilson,	Mr. Gordon,
Mr. Piddington,	Mr. Hart,
Mr. Caldwell.	

In attendance,—

The 2nd Clerk Assistant.

1. On the motion of Mr. Macleay, seconded by Mr. Wilson, Mr. Piddington was elected Chairman.
2. The Clerk, by direction of the Chairman, read the extract from the Votes and Proceedings having reference to the matters referred to the Committee, as follows:—
 - “ 6. Members of Parliament employed by the Government :—Mr. Rotton, claiming precedence for his Motion, on the ground of *Privilege*, moved pursuant to the notice standing in his name at the bottom of the Paper for to-day (as amended with the concurrence of the House),—That ‘ The Return, ‘ shewing the names of all Members of Parliament who have in any way ‘ been employed by the Government or its Officers, the nature of the ‘ employment, and the amount of remuneration paid for such services during ‘ the present Parliament,’ laid upon the Table of the House and ordered ‘ to be printed on the 5th August instant, be referred to the Committee of ‘ Elections and Qualifications, with instructions to enquire into the circum- ‘ stances relating to the employment of the Members of this House therein ‘ named, and to report specially, whether or not they, or any of them, have, ‘ by the acceptance of an office of emolument, committed a breach of the ‘ Constitution Act, and thereby rendered their seats liable to be declared ‘ vacant.”
3. The Clerk laid before the Committee the Return referred to in the preceding entry.
4. The Committee deliberated upon the course of proceeding to be taken in conducting the enquiry, and decided upon summoning for next meeting the following witnesses (with special reference to the case of the Honorable Member for New England, R. H. M. Forster, Esquire), viz. :—C. Tompson, W. Redman, E. J. Cory, and E. Fosbery, Esquires.
5. The Clerk was directed to inform the Honorable Member for New England by letter, of the decision arrived at by the Committee.

The Committee adjourned till Friday next, at *Eleven* o'clock.

O. F. KELLY,
2nd Clerk Assistant.

FRIDAY, 21 AUGUST, 1863.

MEMBERS PRESENT :—

W. R. Piddington, Esq., in the Chair.

Mr. Hart,	Mr. Gordon,
Mr. Wilson,	Mr. Caldwell,
Mr. Garrett,	Mr. Macleay.

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk having, by direction of the Chairman, read the Minutes of the previous meeting, the same were confirmed.
2. C. Tompson, Esquire (*Clerk of Legislative Assembly*), called in, sworn, and examined. The witness was recalled and further examined.

3. E. J. Cory, Esquire, called in, sworn, and examined.
The witness handed in the following documents:—
No. 1. Letter to W. Redman, Esq., dated 3rd April, 1862.
No. 2. Letter to Inspector General of Police, 16th April, 1862.
4. E. Fosbery, Esquire (*Secretary to Police Department*), called in, sworn, and examined.
(*Vide Appendix to Evidence, page 4.*)
The witness handed in the following documents:—
No. 3. Voucher No. 5,497.
No. 4. „ No. 20.
No. 5. „ No. 118.
No. 6. „ No. 1,393.
(*Vide Appendix to Evidence, pages 7 and 8.*)
5. The Committee proceeded to deliberate, and decided upon summoning for next Meeting the following witnesses, viz. :—
The Crown Solicitor.
The Auditor General.
The Under Secretary for Finance, &c.
The Secretary to Crown Law Officers.
6. The Clerk was directed to inform the Honorable Members whose names are mentioned in the Return under reference to the Committee of the time and place of next meeting.
The Committee adjourned till Thursday next, at *Eleven o'clock.*
O. F. KELLY,
2nd Clerk Assistant.

THURSDAY, 27 AUGUST, 1863.

MEMBERS PRESENT:—

W. R. Piddington, Esq., in the Chair.

Mr. Macleay,	Mr. Gordon,
Mr. Wilson,	Mr. Garrett,
Mr. Hart,	Mr. Caldwell.

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk, by direction of the Chairman, having read the Minutes of the previous Meeting, the same were confirmed.
2. John Williams, Esquire (*Crown Solicitor*), called in, sworn, and examined.
3. W. C. Mayne, Esquire (*Auditor General*), called in, sworn, and examined.
The witness produced certain documents, and was directed to furnish the Committee with certified copies of the same. (*Vide Appendix to Evidence, pages 12 to 19.*)
4. Henry Lane, Esquire (*Under Secretary for Finance, &c.*), called in, sworn, and examined.
The witness produced certain correspondence and was directed to furnish the Committee with certified copies of the same. (*Vide Appendix to Evidence, pages 20 and 21.*)
5. W. E. Plunkett, Esquire (*Secretary to Crown Law Officers*), called in, sworn, and examined.
The witness handed in the following documents:—
No. 7. Letter to Attorney General, dated 8 July, 1852.
No. 8. Letter to Colonial Secretary, dated 3 August, 1852.
No. 9. Letter to Attorney General, dated 30 August, 1852.
(*Vide Appendix to Evidence, pages 22 and 23.*)
6. Messrs. R. Forster, A. T. Holroyd, and W. Love being present, and offering themselves for examination, the Committee (after deliberation) requested those gentlemen to furnish the Committee, before next Meeting, with any written statement or affidavit they may think necessary, having reference to their acceptance of employment under the Government whilst sitting as Members of the Legislative Assembly.
7. The Committee decided upon summoning for next Meeting the following witness, viz. :—W. H. Christie, Esquire (*Postmaster General*),—
And adjourned till Tuesday next, at *Eleven o'clock.*

O. F. KELLY,
2nd Clerk Assistant.

TUESDAY, 1 SEPTEMBER, 1863.

MEMBERS PRESENT:—

W. R. Piddington, Esq., in the Chair.

Mr. Macleay,	Mr. Garrett,
Mr. Gordon,	Mr. Wilson,
	Mr. Hart.

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk, by direction of the Chairman, having read the Minutes of the previous Meeting, the same were confirmed.

2. W. H. Christie, Esquire (*Postmaster General*), called in, sworn, and examined. The witness produced certain documents, and was directed to furnish the Committee with certified copies of the same. (*Vide Appendix to Evidence, pages 24 to 26.*)
3. W. Love, Esquire, being present, handed in the following documents, which, by direction of the Chairman, were read at length by the Clerk.

No. 10.—Affidavit of John Bradley, dated 13th August, 1863 :—

“ ON this thirteenth day of August, in the year one thousand eight hundred and sixty-three, in the Colony of New South Wales, appeared personally before me, John Birrell, Justice of the Peace, John Bradley, of Clarence-street, Sydney, who maketh oath, and saith :—
 “ I have acted as Postmaster at Redfern, from August, 1860, until November, 1861. The salary allowed by Government, of £12 per year, and the per centage on postage-stamps during that period, has been paid to me, and no part of that money has ever been received by Mr. Love, either directly or indirectly, for his use or benefit.

“ Sworn before me, this 13th day of August, }
 “ 1863,— } “ JOHN BRADLEY.
 “ JOHN BIRRELL, J.P.” }

No. 11.—Affidavit of William Love, Esquire, dated 31st August, 1863 :—

New South Wales, Sydney, }
 To wit. }

“ ON this thirty-first day of August, in the year one thousand eight hundred and sixty-three, William Love, of the City of Sydney, in the Colony of New South Wales, Esquire, being duly sworn, maketh oath and saith as follows :—

“ 1. I have not whilst a member of the Legislative Assembly of this Colony, accepted any office of profit or pension from the Crown during pleasure, or for any term of years.

“ 2. The following are the circumstances connected with the assignment of C. H. Smith, late Postmaster at Redfern, near Sydney, aforesaid.

“ 3. About the first day of August, one thousand eight hundred and sixty, I, having been requested by some of the creditors of the said C. H. Smith, consented to act as trustee of his assigned estate, under the deed of assignment produced by me at the time of my swearing this affidavit.

“ 4. I thereupon, but only as such trustee accepted the appointment of Postmaster at Redfern aforesaid, Mr. John Bradley was appointed manager of the office and performed the whole of the duties thereof, and he was paid, and received for his own use and benefit, all the salary attached to the said office, and all profits arising on the sale of postage stamps there.

“ 5. The only duty I performed with reference to the said office was signing the necessary abstracts in order to enable the said John Bradley to receive the said salary which, except upon one occasion when I had advanced him the amount, was always paid to him personally.

“ I surrendered the office as soon as the said assigned estate was realized.

“ Sworn by the deponent on the day first }
 “ above-mentioned, at Sydney aforesaid, } “ WILLIAM LOVE.
 “ before me,— }
 “ MICHL. CHAPMAN, J.P.” }

No. 12.—Deed of Assignment :—

“ KNOW all men by these presents, That I, Charles Heath Smith, of Sydney, in the Colony of New South Wales, grocer, doth hereby in consideration of George Wilkie, of Sydney aforesaid, flour merchant, and William Love, of the same place, grocer, paying the several creditors in the schedule hereto marked ‘A,’ in proportion to the amount of their several debts due by me to them, and of ten shillings to me paid by the said George Wilkie and William Love, bargain, sell, assign, and set over unto the said George Wilkie and William Love, their executors, administrators, and assigns, all those debts or sums of money due, and owing to me from, and by, the several persons whose names are in the schedule hereto marked ‘B,’ and for the amounts set opposite their respective names, and each of them and every part thereof; and all the stock in trade, goods, chattels, property, and effects of me, the said Charles Heath Smith, as appears more particularly by Schedule C hereto; and all the right, title, and interest of me, the said Charles Heath Smith thereto,—to have, hold, receive, and take the said stock-in-trade, goods, property, chattels, and effects, and the said debts or sums of money so due to me as aforesaid, from henceforth to and for their own proper use and benefit. And I hereby appoint the said George Wilkie and William Love, and each of them my lawful attorneys and attorney irrevocably, and hereby give and grant to them and each of them their and his executors, administrators, or assigns full power and authority in my name to ask, demand, sue for, recover, compound, acquit, release, and discharge the said several debts or sums hereinafter set forth, and every or any part thereof, and upon receipt of them, or any of them, or any part thereof, acquittances or proper discharges, to make and give; and generally for me, and in my name, to make, do, perform, and execute all and every such further and other acts, matters, and things touching, and concerning the premises as to the said George Wilkie and William Love, their and either of their executors, administrators, or assigns shall seem requisite, and that as fully and effectually to all intents and purposes as I could myself, if personally present and acting therein. And I, the said George Heath Smith, do hereby covenant with the said George Wilkie and William Love, their and either of

215—b

“ their

The Committee divided.

Ayes, 5.	Noes, 2.
Mr. Macleay,	Mr. Gordon,
Mr. Caldwell,	Mr. Wilson.
Mr. Piddington,	
Mr. Hart,	
Mr. Garrett.	

4. The Committee then considered the case of Mr. R. Driver, and Mr. Hart moved, and Mr. Gordon seconded, the following Resolution :—

That in the opinion of this Committee, Mr. Richard Driver, during the present Parliament, did not accept any office of profit from the Crown whereby his seat is liable to be declared void.

Question put and passed.

5. The Committee then proceeded to the consideration of the case of Mr. W. Love, and Mr. Garrett having offered a Motion upon the subject, which being objected to, Mr. Caldwell moved :—

That the motion proposed by Mr. Garrett be now put.

The Committee divided.

Ayes, 4.	Noes, 3.
Mr. Piddington,	Mr. Macleay,
Mr. Caldwell,	Mr. Wilson,
Mr. Hart,	Mr. Gordon.
Mr. Garrett.	

6. Mr. Garrett then moved the following Resolution :—

That, inasmuch as Mr. Love was not a Member of the Assembly when he accepted the office of Postmaster at Redfern, nor does not now hold that office, his case does not come within the reference made by the Assembly to this Committee.

The Committee divided.

Aye, 1.	Noes, 6.
Mr. Garrett.	Mr. Piddington,
	Mr. Macleay,
	Mr. Wilson,
	Mr. Hart,
	Mr. Gordon,
	Mr. Caldwell.

The Committee further deliberated, and Mr. Hart moved, and Mr. Macleay seconded, the following Resolution :—

That, in the opinion of this Committee, Mr. William Love did not accept any office of emolument during the present Parliament; but that, on the 1st day of August, 1860, he accepted the office of Postmaster at Redfern, being an office of profit under the Crown, and continued to hold such office at the time of his election, and until the 18th day of November, 1861, and has therefore rendered himself liable to have his seat declared void, as being unqualified at the time of such election.

The Committee divided.

Ayes, 5.	Noes, 2.
Mr. Macleay,	Mr. Garrett.
Mr. Piddington,	Mr. Caldwell.
Mr. Wilson,	
Mr. Gordon,	
Mr. Hart.	

Mr. Garrett then moved the following Resolution, viz. :—

That, in reporting the Resolutions of this Committee to the House, it be also reported that the Committee believe that no objection was, or has been, taken to Mr. Love's election, on the ground that he was disqualified.

The Committee divided.

Ayes, 6.	No, 1.
Mr. Piddington,	Mr. Wilson.
Mr. Caldwell,	
Mr. Macleay,	
Mr. Hart,	
Mr. Gordon,	
Mr. Garrett.	

The Committee further deliberated,—

And adjourned till Thursday next, at *Eleven o'clock*.

O. F. KELLY,
2nd Clerk Assistant.

THURSDAY,

THURSDAY, 10 SEPTEMBER, 1863.

MEMBERS PRESENT:—

W. R. Piddington, Esq., in the Chair.

Mr. Hart,	|	Mr. Macleay,
Mr. Wilson,	|	Mr. Gordon,
Mr. Garrett,	|	Mr. Caldwell.

In attendance,—

The 2nd Clerk Assistant.

1. The Clerk, by direction of the Chairman, having read the Minutes of the previous Meeting, the same were confirmed.
2. The Clerk laid before the Committee a letter, covering an affidavit of Mr. R. H. M. Forster, which were read at length by the Clerk, by direction of the Chairman, as follows:—

“ 91, Elizabeth-street North,
“ Sydney, 4th September, 1863.

“ Sir,

“ Press of business has prevented my sooner sending to you the enclosed affidavit, which I have the honor to request may be placed before the Committee.

“ I am, Sir,

“ Your obedient Servant,

“ ROBT. FORSTER.

“ The Clerk to the Committee
“ on Elections and Qualifications.”

“ On the fourth day of September, in the year of our Lord One thousand eight hundred and sixty-three, Robert Henry Mariner Forster, of Sydney, in the Colony of New South Wales, Attorney, and a Member of the Legislative Assembly of the Colony of New South Wales, being duly sworn, maketh oath and saith as follows:—

“ 1. I practice the profession of an Advocate in the Central Police Office, and at the Water Police Office, in the City of Sydney, and Colony of New South Wales.

“ 2. I have on several occasions been engaged by members of the police force to conduct cases for them, and have been paid my fees, for which I have signed vouchers sent to me for that purpose from the Inspector General's Office.

“ 3. I have been engaged on several occasions against the police.

“ 4. I have never had any appointment to prosecute, nor has any such ever been tendered to me.

“ Sworn before me, on the day and year first
“ above written, at Sydney, in the Colony
“ aforesaid,—

“ ROBT. FORSTER.

“ HY. FLETT, J.P.”

3. The Committee proceeded to deliberate upon Draft Report, and The Preamble having been read, as follows:—

The Committee of Elections and Qualifications, duly appointed on the 25th June, 1863, under the provisions of the “ Electoral Act of 1858,” to whom was referred, on the 13th August, 1863, a Question of Privilege, as follows:—

“ That ‘ The Return shewing the names of all Members of Parliament who
“ ‘ have in any way been employed by the Government or its Officers, the
“ ‘ nature of the employment, and the amount of remuneration paid for such
“ ‘ services during the present Parliament,’ laid upon the Table of the House
“ and ordered to be printed on the 5th August instant, be referred to the
“ Committee of Elections and Qualifications, with instructions to inquire
“ into the circumstances relating to the employment of the Members of this
“ House therein named, and to report specially, whether or not they, or any
“ of them, have, by the acceptance of an office of emolument, committed a
“ breach of the Constitution Act, and thereby rendered their seats liable to
“ be declared “ vacant,” ”—have agreed to the following Resolutions, which they beg to “ lay before ” your Honorable House, viz. :—

Mr. Hart moved the insertion after the word “ vacant” in the 16th line of the words
“ have considered the cases of the several Members mentioned in the said Return and”
Question put and passed.

Preamble further amended on motion of Mr. Wilson, by the omission from the 17th line,
of the words “ lay before” and the insertion in their place, of the words “ Report to.”

Preamble further considered.

Mr. Garrett moved insertion in the 18th line, after the word “ House” of the words
“ for its opinion.”

The Committee divided.

Ayes, 2.
Mr. Caldwell,
Mr. Garrett.

Noes, 5.
Mr. Piddington,
Mr. Macleay,
Mr. Wilson,
Mr. Hart,
Mr. Gordon.

Paragraph

Paragraphs 1, 2 and 3, read as follows:—Verbally amended, by the omission of the word “*Resolved*” at the commencement of each, and *agreed* to.

1. “*Resolved*,”—That, in the opinion of this Committee, Mr. Robert Henry Mariner Forster during the present Parliament, accepted an office of profit from the Crown, and thereby rendered his seat liable to be declared vacant.
2. “*Resolved*,”—That in the opinion of this Committee, Mr. Arthur Todd Holroyd during the present Parliament did not accept any office of profit from the Crown whereby his seat is liable to be declared vacant.
3. “*Resolved*,”—That, in the opinion of this Committee, Mr. Richard Driver during the present Parliament did not accept any office of profit from the Crown whereby his seat is liable to be declared void.

Paragraph No. 4 read as follows:—

4. That, in the opinion of this Committee, Mr. William Love did not accept any office of emolument “during the present” Parliament; but that on the 1st day of August, 1860, he accepted the office of Postmaster at Redfern, being an office of profit under the Crown, and continued to hold such office at the time of his election, and until the 18th day of November, 1861, and has therefore rendered himself liable to have his seat declared void as being unqualified at the time of such election.

Mr. Garrett moved the omission, from line 2, of the words “*during the present*,” with a view to insert in their place the words, “*whilst he was a Member of*.”

Question put,—That the words proposed to be omitted stand part of Paragraph.

The Committee divided.

Ayes, 5.	Noes, 2.
Mr. Piddington, Mr. Macleay, Mr. Wilson, Mr. Gordon, Mr. Hart.	Mr. Caldwell, Mr. Garrett.

Paragraph No. 4 then *agreed* to.

Paragraph No. 5 read, as follows:—

5. That, in reporting the resolutions of this Committee to the House, it be also reported that the Committee believe that no objection was, or has been, taken to Mr. Love’s election on the ground that he was disqualified,—

And *agreed* to.

Mr. Hart moved, That the following stand the next Paragraph of this Draft Report, viz. :—

“Your Committee find that Mr. W. B. Dalley was not a Member of the House at the time of his *employment* by the Government, and that Mr. W. C. Windeyer has ceased to be a Member of the Legislative Assembly.”

Question put and passed.

The remaining paragraphs of the Draft Report then read as follows:—

Your Committee is strongly impressed with a sense of the danger to the independence and purity of the Legislative Assembly, which may arise from the practice of selecting Members of Parliament, even for temporary employment under the Government.

Your Committee is unanimously of opinion that the practice alluded to ought no longer to be continued in any department of the Public Service,—

And *agreed* to.

Draft Report, as amended, read.

Question put,—“That this be the Report of the Committee.”

The Committee divided.

Ayes, 5.	Noes, 2.
Mr. Piddington, Mr. Wilson, Mr. Macleay, Mr. Gordon, Mr. Hart.	Mr. Caldwell, Mr. Garrett.

The Chairman directed to report, and also to move in the House for leave to adjourn the sittings of the Committee *sine die*.

Committee adjourned till a quarter to *Three o'clock* P.M. this day.

O. F. KELLY,
2nd Clerk Assistant.

The only Members present at a quarter to 3 o'clock being Mr. Piddington and Mr. Wilson, the Committee stood adjourned till Tuesday next, at *Eleven o'clock*.

O. F. KELLY,
2nd Clerk Assistant.

LIST OF WITNESSES.

	PAGE.
1. C. Tompson, Esq. (<i>Clerk of Legislative Assembly</i>)	1
2. E. J. Cory, Esq. (<i>Solicitor</i>)	3
3. E. Fosbery, Esq. (<i>Secretary, Police Department</i>).. .. .	4
4. J. Williams, Esq. (<i>Crown Solicitor</i>)	9
5. W. C. Mayne, Esq. (<i>Auditor General</i>)	11
6. H. Lane, Esq. (<i>Under Secretary for Finance, &c.</i>)	19
7. W. E. Plunkett, Esq. (<i>Secretary to Crown Law Officers</i>)	22
8. W. H. Christie, Esq. (<i>Postmaster General</i>)	23

COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

FRIDAY, 21 AUGUST, 1863.

Present :—

Mr. Caldwell, Mr. Garrett, Mr. Gordon,	|	Mr. Hart, Mr. Macleay, Mr. Piddington,
Mr. Wilson.		

William Richman Piddington, Esq., in the Chair.

Charles Tompson, Esq., called in, and having been sworn, was examined :—

1. *By the Chairman*: I believe you are the Clerk of the Legislative Assembly? I am. C. Tompson,
Esq.
2. Do you now produce the Parliamentary Roll of Members of the Legislative Assembly? I do;—I produce the roll of the present Parliament. *(The witness produced the same.)*
3. Do you find there the name of Mr. Robert Henry Mariner Forster, as Member for the electorate of New England? I do. 21 Aug., 1863.
4. Does Mr. Robert Henry Mariner Forster still continue to be a Member of the Legislative Assembly? He does.
5. When did he sign the roll—what is the date? The roll itself bears no date as to the signature; but I have here the oath signed by him, and I know that he signed the roll on the same day that he signed the oath—the oath is dated the 27th May, 1862.
6. And since that date of 27th May, 1862, Mr. Forster has continued to be a Member of the Legislative Assembly? He has.
7. Will you have the goodness to refer to the roll, with the view of ascertaining whether the name of Mr. W. C. Windeyer is to be found on it? By way of parenthesis, will you allow me to mention that I did not receive any summons with reference to Mr. Windeyer's case, and that I come provided with no particulars about him.
8. *By Mr. Macleay*: Will not the roll shew that he is no longer a Member of the House? There may be a memorandum to that effect on the roll, against the name of the Member elected in lieu of Mr. Windeyer. *(The witness referred to the roll)* I find an entry here against the name of Mr. Eagar—"Geoffrey Eagar, West Sydney, Glebe," and a memorandum, "In room of No. 49, who vacated his seat by the resignation thereof." Referring to No. 49, I find the name of W. C. Windeyer, West Sydney.
9. *By Mr. Garrett*: Upon what date did Mr. Eagar take his seat? I cannot tell without referring, and I received no intimation that you wanted any particulars about Mr. Windeyer or Mr. Eagar.
10. *By Mr. Macleay*: You can state positively that Mr. Windeyer is not a Member of the House? I can.
11. *By Mr. Hart*: Can you state whether he was a Member of the House on the 6th February, 1861? I cannot state that, for I have not with me the particulars respecting him. In the list which was sent to me on the 5th January, 1861, by the Colonial Secretary, of Members returned at the general election, and which list is now in my hand, his name is included. I have here Mr. Windeyer's oath, dated 10th January, 1861.
12. Have you any information with regard to the time when Mr. Windeyer resigned his seat? I have not any information here with regard to the time when he resigned.
13. *By Mr. Hart*: Can you say whether Mr. Windeyer was a Member on the 6th February, 1861? Seeing that he took his seat on the 10th January, 1861, and that I have no record of his resignation until the 22nd December, 1862, I conclude that he was a Member on the day mentioned. *(The witness referred to a letter-book handed to him by Mr. Kelly, the 2nd Clerk Assistant, in attendance upon the Committee.)* Here is the letter-book of the Assembly, and it contains an entry signed "John Hay, Speaker," addressed to William Charles Windeyer, Esquire, and it is to this effect, dated 23rd December, 1862,—"I have the honor to acknowledge the receipt, this day, of your letter of the 22nd instant, resigning your seat as Member of the Legislative Assembly for the Electoral District of West Sydney. I have the honor to be, &c., (signed) John Hay."
14. *By Mr. Garrett*: Mr. Eagar took Mr. Windeyer's place? Yes; I find that by reference to the electoral roll.
15. *By the Chairman*: Will you have the goodness to inform the Committee if you find the name of Mr. W. B. Dalley signed to the Parliamentary roll of the Legislative Assembly? I do.
16. When did Mr. Dalley sign the roll? I have the writ and oath here. *(Producing the same.)* Mr. Dalley signed the oath and roll on the 21st October, 1862.
17. *By Mr. Macleay*: Do you find his name on the roll before that time? *(The witness referred to the roll.)* I do not see his name on the roll anterior to this entry, and his name

- C. Tompson, Esq., is not on the list of Members returned at the general election of the present Parliament, and therefore I infer that he was not a Member of the present Parliament until he resigned the roll as here stated, on the 1st October, 1862.
- 21 Aug., 1863.
18. You find that Mr. Dalley's name does not appear upon the roll previously? I do.
 19. And every Member signs the roll? Yes.
 20. *By Mr. Hart*: Was Mr. William Bede Dalley a Member of Parliament on the 12th and 13th of March, 1861? That is what I cannot say at present. This is the roll of the present Parliament.
 21. *By the Chairman*: Is that the only roll that has been compiled during the present Parliament? This is the only roll.
 22. And you do not find the name of William Bede Dalley occur in that roll more than in one instance? Not more than in one instance—I can say something a little more positive—I can say positively that no Member ever took his seat, during this Parliament, without signing this roll.
 23. *By Mr. Hart*: When was he elected? I have the writ here, with the return from Mr. Icely, the Returning Officer for Carcoar, who states in his certificate—"I hereby certify that William Bede Dalley, Esquire, was duly chosen a Member for the Electoral District of Carcoar, to serve in the Legislative Assembly of New South Wales," signed T. R. Icely, Returning Officer, without date. The writ was received at this office (which is, of course, the proper return, because the officer is required to make return to this building), on 21st October, 1862, as shewn by a memorandum endorsed on the writ, and written at the time by the Clerk of Records.
 24. *By the Chairman*: You find the name of William Bede Dalley signed to the Parliamentary roll? I do, and I have his oath.
 25. Mr. William Bede Dalley still continues to be a Member of the Legislative Assembly? He does.
 26. *By Mr. Hart*: Was Mr. Dalley a Member of Parliament at the time he was appointed an Immigration Commissioner? I cannot positively say. I do not think he was, for this reason, that I have a very distinct recollection of Mr. Parkes resigning, on acceptance of office as one of the Immigration Lecturers; and of course if Mr. Dalley had been a Member he must also have resigned. Now I distinctly recollect Mr. Parkes', but I have no recollection of Mr. Dalley's resignation, and the one would, I think, have been as strongly impressed upon my mind as the other, if they had both been Members at the time.
 27. Will you have the goodness to refer to the roll, with the view of ascertaining whether you can find the name of Arthur Todd Holroyd as a Member of the Legislative Assembly? I do find his name on the roll.
 28. Can you state the date on which Arthur Todd Holroyd signed the roll? Mr. Holroyd signed the oath and roll on the 11th April, 1861.
 29. Mr. Holroyd still continues to be a Member of the Legislative Assembly? He does.
 30. He was a Member on the 16th April, 1862—was he not? He was.
 31. And on the 22nd July, 1862? Yes.
 32. And on the 7th August, 1862? He was.
 33. And on the 8th October, 1862? He was.
 34. Will you have the goodness to refer to the Parliamentary roll, with the view of ascertaining whether the name of Richard Driver is there? It is.
 35. When did Richard Driver sign the Parliamentary roll? He signed the oath and roll on 10th January, 1861. He was returned under the general election. I find his name in the list furnished to me by the Government, 5th January, 1861.
 36. Is that an official and authorized list? That is an official and authorized list of the returns under the general election. He signed the roll on the 10th January, 1861.
 37. Was Mr. Richard Driver a Member of the Legislative Assembly on the 22nd July, 1862? He was.
 38. Do you find William Love on the Parliamentary roll, as a Member of the Legislative Assembly? I do.
 39. When did Mr. Love sign that Parliamentary roll? The 10th January, 1861; he signed the oath also on that day.
 40. Has Mr. Love continued to hold a seat in the present Legislative Assembly since that period? He has.
 41. *By Mr. Hart*: Can you state whether William Redman is a Member of the present Parliament, and when he was elected? I know that Mr. Redman is a Member of the present Parliament; he came in under the general election. His name is mentioned in this list, which was sent to me on the 5th January, 1861, as Member for Queanbeyan.
 42. And he has continued a Member since then? I believe so; I am not aware of any resignation of Mr. Redman.
 43. Has he signed the Parliamentary roll? He has. I cannot say the day on which he signed it for I have not the writ here. I have not been desired to produce any particulars respecting Mr. Redman.
 44. *By Mr. Macleay*: He was returned at the general election? He was; his name is on the list.
 45. And he has not resigned? He has not. (*The witness having withdrawn was again called in and farther examined.*)
 46. *By the Chairman*: Have you now the resignation of Mr. Windeyer as a Member of the Legislative Assembly? I produce Mr. Windeyer's letter of resignation, dated 22nd December, 1862. (*The witness produced the same.*)

Edward James Cory, Esq., called in, and having been sworn, was examined :—

47. *By the Chairman:* Have you ever been employed by the Government in the Police Court under the Police Act? Yes, by Captain M'Lerie; he appointed me.
48. Were you appointed by Captain M'Lerie? Yes, by Captain M'Lerie as Inspector General of Police.
49. By written authority? I had no written authority; it was a verbal appointment.
50. What was the nature of the appointment? To take all police cases that might happen at the Police Court, and to receive a retainer or salary of £150 per annum, payable monthly, and any other costs I might be allowed by the Magistrates.
51. Captain M'Lerie appointed you in his position as Inspector General of Police? As Inspector General of Police.
52. Did you receive the salary appertaining to the appointment? I did; I think I received £75, after acting for six months. I paid it into the Bank, on the 22nd of November, 1862. Captain M'Lerie's cheque I paid into the Bank. It was from the 21st April to the 24th October. On the 21st April (Easter Monday,) Captain M'Lerie appointed me, and I acted until the 23rd October, 1862.
53. Then I understand you to acknowledge that you were retained professionally at an annual salary? At an annual salary of £150, payable monthly, and whatever I could make besides from fees allowed by the Magistrates.
54. Were you not under such circumstances a salaried officer, holding office under the Crown? I always considered myself so.
55. Did you resign that appointment? I did on the 23rd October, 1862. Perhaps you will allow me to state how I became appointed. I see, on referring to my papers, that on the 3rd of April, I wrote this letter to Mr. Redman. (*The witness read the same. Vide Appendix No. 1, page 4.*) "The proposition was made by Mr. Redman that we should take these cases and let him have half the fees. When we considered of it, as he was going to the Gold Fields to practice, we declined to do so. On the 16th April Mr. George Read, the Sub-Inspector, wished to know whether Mr. Redman had made any arrangement with us, and I then wrote this letter to Captain M'Lerie. (*The witness read the same. Vide Appendix No. 2, page 4.*)"
56. *By Mr. Hart:* Have you Mr. Read's letter? He made merely a verbal application to me. After this, I think on Easter Monday, the 21st April, Mr. M'Lerie saw me and appointed me solicitor for the police, though I had been doing duty for the police for years before that.
57. *By the Chairman:* Have you any information you can afford to the Committee with reference to the appointment of Mr. Redman? That is all I know, except that Mr. Redman told me he was appointed by the Colonial Secretary, because prior to that, previously to the Police Act coming into operation, Captain M'Lerie said to me, "Can I do anything for you Mr. Cory?" I replied, "All you can do is to make me an attorney for the police, as usual"; and in the month of March I was rather surprised to hear from Mr. Redman that he was appointed.
58. March in what year? 1862, when the Police Act came into operation. The Police Act came into operation on the 1st March, 1862.
59. *By Mr. Hart:* When Mr. M'Lerie appointed you did he say that he or that the Government was desirous of making the appointment? He did not say either the one or the other.
60. Had you ever any communication with the Colonial Secretary on the subject of your appointment? Never.
61. Was it by a private or by an official cheque of Captain M'Lerie that you were paid? I think it was signed "Inspector General of Police." I have not the cheque; it was paid into the bank.
62. Did you give any receipt for the money? I did.
63. To whom? I signed it in the Detective Office; Detective M'Martin was present when I signed it.
64. Did any other person prosecute at the Police Office on behalf of the police during the time you held office? No one but myself, unless he were taking my place during my absence somewhere else; no one officially appointed.
65. Do you know whether any person has been prosecuting on behalf of the police since you resigned your appointment? Mr. William Roberts, on behalf of the late Domain murder.
66. Has there been any other person prosecuting police cases in the Police Office? Mr. Robert Forster since the 1st November last year.
67. Does he prosecute at the present time? He was prosecuting one day this week—I think it was on Tuesday Mr. Oatley told me he brought a case before him which was dismissed.
68. Is it at all necessary or desirable that professional gentlemen should be employed to conduct police cases? In some cases, not in all cases.
69. Do you think it a proper appointment to be made by the Government? I do think it a very proper appointment; Government make a good deal of money by it.
70. In what way? In putting down sly-grog-selling; and in cases where fines are obtained at the Police Court, which all come into the Government pocket.
71. Could not these cases be prosecuted by the Inspectors of Police? Not always.
72. *By Mr. Garrett:* Do you recollect what form it was you signed when you gave a receipt—was it an official form? It was on a printed paper.
73. In any of the correspondence Mr. Redman had with you, did he mention that he was appointed by the Colonial Secretary? It was in a verbal communication when he first spoke of it, that he said he was appointed by the Colonial Secretary.
74. Was Mr. Roberts present when he told you that? I think Mr. Roberts was present; I will not be certain. Mr. Roberts joined with me in writing that letter. We consulted about it, whether we should take those cases or not.

E. J. Cory.
Esq.
21 Aug., 1863.

- E. J. Cory, Esq.
21 Aug., 1863.
75. Was it in your office he told you that? No, in the Police Office.
76. Do you recollect whether any other person was present? There were a great many people sitting round the table.
77. But they were not parties to the conversation? No, I think not. In fact I was rather astonished at the time, having done the business for so many years.
78. What space of time is covered by that return (*referring to the portion of the Return printed by order of the House having reference to Mr. R. H. M. Forster*)? I should say from the 1st November, 1862, to the 2nd July, 1863—eight months.
79. Do you notice the amount? £58 6s. 6d.
80. That does not tally with the salary you have mentioned—£150? It may not. I know what my salary was. My cheque was for £75—for six months.
81. Was it a form like this you signed (*handing an abstract to the witness*)? I could not tell you. I know it was a printed form. I think a form something like that, but I would not be certain. I know it was a form I signed.

APPENDIX.

No. 1.

York-street, Sydney,
3 April, 1862.

Dear Sir,

On reconsidering the proposition made by you the other day, about taking the police cases during your absence, we have consulted together on the subject, and have come to the determination of not taking or interfering in the matter, and therefore you will be obliged to take all the police cases yourself, according to your appointment with the Colonial Secretary.

We have, &c.,
EDWARD J. CORY.
WM. ROBERTS.

W. Redman, Esq.

No. 2.

York-street, Sydney,
16 April, 1862.

Dear Sir,

Mr. George Read has requested me to inform you whether Mr. William Roberts and myself have arranged with Mr. Redman to take the police cases during his absence.

I beg to inform you that a proposition was made by Mr. Redman to Mr. Roberts and myself, and after due consideration both Mr. Roberts and myself declined to do so, and we sent Mr. Redman a letter, of which the enclosed is a true copy.

I have, &c.,
EDWARD J. CORY.

J. M'Levie, Esq.,
Inspector General of the Police.

Edmund Fosbery, Esq., called in, and having been sworn, was examined:—

- E. Fosbery, Esq.
Aug., 1863.
82. *By the Chairman*: What office do you hold in the Civil Service of the Colony? I am Secretary to the Police Department, acting for the Inspector General, in his absence, under the Act.
83. Do you know Mr. Robert Forster, Member of the Legislative Assembly? I do.
84. Are you aware whether that gentleman is employed as attorney in the Police Courts? He has been so employed by the Police.
85. Can you give the Committee any information with regard to the terms of the appointment—the character of the payment received? I can; but I do not imagine that it is an appointment; it is merely that he is paid for certain services.
86. Have you any documents connected with the appointment? There are no documents connected with the matter except the accounts.
87. Have you those accounts here? I have certified copies—the accounts are in the Audit Office.
88. Do you know anything about the appointment of Mr. Robert Forster to the situation you allude to? I am aware that his employment to conduct police cases has received the authority of the Inspector General.
89. How are you aware of that? I believe, from having heard a conversation on the subject between the officer in immediate control of the city police and the Inspector General.
90. What passed at the time you allude to? I cannot charge my memory, but I am aware of the results of the arrangement, so to speak, which will perhaps give the information.
91. What results do you allude to? The fact that Mr. Forster has been employed to conduct cases for the police, in the Central Police Office, the police not being allowed, in this Colony, to conduct their own cases in the Police Office, although, to my knowledge, they are in other places.
92. Then I understand you to say that Mr. Forster is appointed under the authority of the Police Act? Under the authority of the Inspector General.
93. How is that authority derived? He is allowed to expend a sum not exceeding £150 a year for such legal assistance as that, in the Central Police Office, and the Water Police Office.
94. Whatever authority the Inspector General has in this matter is derivable from the Police Act? From the Colonial Secretary, as regards expenditure.
95. Is not Mr. Forster employed to carry out the business connected with the police, as regulated by the Police Act? No; I take it he is employed for rendering professional assistance in prosecuting for the Crown in certain cases.

96. These cases occur under the authority of the Police Act—do they not? No; they occur in the ordinary course of the detection and punishment of crime by law. E. Fosbery, Esq.
97. Is Mr. Forster employed in any other cases than cases connected with the police? Not to my knowledge; I do not know what other department he may be employed by, but as regards our department he is employed merely in the way I have specified. 21 Aug., 1863.
98. Do I understand you to state that although Mr. Forster is not employed in any other cases than cases connected with the police, he is yet not employed in consequence of the existence of the Police Act? You do rightly so understand me.
99. Have you any documents connected with the salary paid to Mr. Forster? Mr. Forster has not been paid a salary.
100. What description of payment does Mr. Forster receive? Mr. Forster sends in his own claims and charges; his accounts will shew certain professional fees.
101. Will you have the goodness to hand in those accounts? (*The witness handed in the same. Vide Appendix, Nos. 3, 4, 5, and 6, pages 7 and 8.*) These are certified copies of accounts obtained from the Audit Office, where the originals are filed. These three (*Nos. 3, 4, and 5*) represent £48 6s. 6d.; and this one (*No. 6*) is a copy of an account not yet rendered to the Audit Office, for £10.
102. Do these copies of accounts include all payments received by Mr. Forster under that arrangement you allude to? They do.
103. Do you know who preceded Mr. Forster in the position of professional adviser in police cases? Mr. Cory previously undertook cases for the police—not professional adviser, if I may be allowed to correct the expression.
104. Do you know how Mr. Cory was paid? I could not speak to the actual fact, but I believe at a stated rate.
105. Do you mean by a stated rate a fixed annual salary? I mean a fixed rate of remuneration—not I conclude a salary, inasmuch as it was not paid from any salary vote.
106. *By Mr. Hart:* What was the rate? The rate, as I mentioned before, was not to exceed £150 per annum.
107. Can you say whether that was the amount Mr. Cory received? I believe so.
108. *By the Chairman:* Have you any receipts from Mr. Cory for the stated rate or salary paid to him? These are filed at the Audit Office.
109. Is there no difference in the mode of paying Mr. Roberts and Mr. Forster and the mode of paying Mr. Cory, who preceded them? There is a difference, as will be seen by the accounts.
110. Was the stated rate to which you allude as the mode of paying Mr. Cory, a stated rate per month? He drew the remuneration I believe monthly. I could not state that as a fact without referring to the vouchers.
111. What difference do you discover in the payment to Mr. Cory of a salary not exceeding £150 a year, payable monthly, and the payment of any other civil servant who is paid monthly? I think it will be found, on reference to the accounts, that Mr. Forster has not been paid monthly.
112. I am speaking of Mr. Cory. I understand you to state that Mr. Cory was not paid an annual salary, but was paid a stated rate, and I want you to explain to the Committee the difference between the payment to Mr. Cory of a stated rate monthly and the payment of any other civil servant who is paid monthly? I conceive the distinction would be, that one would be a fixed appointment, and the other would be remuneration for services, which might be terminated at any moment when the necessity for the employment ceased; which, of course, would depend upon the nature of the police cases to be prosecuted.
113. Are you not aware that there are some offices held by gentlemen, as civil servants of the Crown, who may not be considered permanent officers of the Government? I am aware of that; but in this particular instance no appointment was conferred, nor any name mentioned. In fact several attorneys have been employed. Mr. Roberts has been employed during the last fortnight.
114. Do I understand you that Mr. Cory was not appointed prosecutor in police cases? He was employed in that capacity; but I am not aware that he ever received any distinct appointment, nor do I think he did.
115. *By Mr. Hart:* He held no commission? He held no commission. I do not speak from personal knowledge, but I have no doubt I am correct in saying it was a verbal appointment.
116. *By Mr. Macleay:* Was not the understanding that he should get all the police cases? He did not get all the police cases; he was merely employed in those in which it was thought desirable to have professional assistance, of which I believe the officer in charge was considered to be the judge of the necessity.
117. Had he any promise, so far as you know, that he would get all these cases when he got this appointment, or whatever you designate it? I do not suppose he had any promise that he would get all the cases, but I have no doubt he had a promise that he would get all the remuneration.
118. Between the 1st November, 1862, and the 2nd July, 1863, was any other attorney employed? Not in Sydney, to my knowledge.
119. The business was exclusively given to Mr. Forster? I believe that Return (*referring to the printed paper before the Committee*) represents the whole of the payments for that service.
120. Up to that date he got all police cases? Up to that date he was solely employed for police cases, unless perhaps the Crown Solicitor undertook any.
121. *By Mr. Hart:* Can you say who held the same kind of office immediately previous to Mr. Cory? That was before my arrival in the Colony, therefore anything I may say cannot be accepted as stated of my own knowledge; but I believe Mr. Redman was appointed to perform this function.

- E. Fosbery,
Esq.
21 Aug., 1863.
122. Have you seen in any books or records in your office, reference to Mr. Redman being employed? I believe there are no such records.
123. Have you ever seen any entries—any payments? I do not think Mr. Redman ever drew anything; in fact I am satisfied he did not directly; of course, I cannot speak to what he may have received indirectly; he drew nothing himself.
124. Was this return furnished from your office to the Colonial Secretary? That return was furnished by myself.
125. In compiling that return did you bear in mind the fact that Mr. Redman was a Member of the present Parliament, and did you refer to see whether any payment had been made to him? Now you remind me, I did make the inquiry, and I found, as I stated just now, that there had been no payment made to Mr. Redman.
126. Is Mr. Forster allowed to fix his own amount of remuneration? So as it does not exceed the rate authorized, and the Inspector General, in certifying the account, has no reason to imagine there is any overcharge. I suppose to that extent he would be allowed to fix his own claim; that is, subject of course to the consideration of the Inspector General, who pays the amount.
127. When you refer to the rate I suppose you mean supposing his entire charge did not exceed £150? Supposing it did not exceed that amount, in the aggregate.
128. How do you describe that voucher (*handing Appendix No. 6 to witness*)? Voucher 1,393.
129. In voucher 1,393, handed in by you, there is an entry to this effect:—"The department of police at Sydney station Dr. to R. M. Forster—to advance of costs of conducting defence at District Court, Sydney, in the case of Sullivan *versus* Constable "Finegan, £10."—Can you state under what category that charge is made? I look upon that as an incomplete payment, or an incomplete detail I should say.
130. In voucher 118, also handed in by you, there is a charge made by Mr. Forster to this effect:—"1863, Regina v. Sleigh—Conducting prosecution at Central Police Office, Sydney—3 days and a half, viz., 17th, 18th, 19th, and part of 20th February, 1863, at three guineas a day—£11 Os. 6d." Was that the charge Mr. Forster was allowed to make for his professional services? That that was the charge he was allowed to make is evident from the fact that the Inspector General paid him the money.
131. Then suppose it had been necessary to secure Mr. Forster's services for six days in the week, as a matter of course I presume he would have been entitled to eighteen guineas? I presume that is the charge he would make.
132. If it were necessary to employ him fifty-two weeks in the year, I presume his charge would still be the same? His charges might still be the same, although we should not have authority to pay them.
133. Would there be any difficulty to obtain the sanction of the Colonial Secretary to pay the amount, if it were proved necessary to incur it? It would depend upon the necessity, but I imagine there would be considerable difficulty.
134. I am putting the question upon the supposition that it was necessary? If the Colonial Secretary deemed it absolutely necessary I presume he would authorize it.
135. *By Mr. Caldwell:* Are you aware whether it was with the authority of the Colonial Secretary that Mr. Forster was engaged to conduct the cases at the Police Office? I am not aware that the Colonial Secretary issued any authority for Mr. Forster's employment.
136. Are you aware whether there was any correspondence between the Colonial Secretary and the Inspector General respecting the appointment at first? There was none.
137. At the time Mr. Forster was appointed was there any arrangement as to the amount he was to charge daily for his services? Not to my knowledge. I do not suppose there was.
138. Does he charge for the number of cases he conducts, or by the day? I think both, from the tenor of his accounts.
139. Then his appointment would go to this extent—that in all cases, where a professional man was required, he was to be the professional man employed? Not necessarily so, for, as I have previously explained to the Committee, we thought it advisable to employ another attorney, and we did so without its being considered any infringement of the arrangement between the Government and Mr. Forster—without its being considered any want of faith.
140. Does Mr. Forster still conduct cases for the Inspector General? Not since the 2nd July.
141. Between the time of his first appointment and the 2nd July, did the Inspector General of Police employ any other person? I have already answered that, to the effect that he did not.
142. So that Mr. Forster conducted every case where the police required his services, between the 1st November, 1862, and the 2nd July, 1863? Yes, at the Central and Water Police Offices, except, as I before stated, the Crown Solicitor may have taken a case.
143. *By Mr. Wilson:* In all cases prosecuted by the police is a solicitor generally employed? Not in the majority of cases.
144. Who decides whether legal assistance shall be obtained? The officer in immediate charge of the City Police acts upon his own responsibility; sometimes he would mention it to his superior officer, Captain M'Levie, or to myself.
145. For instance, in one of the vouchers you have handed in I see this item;—"Case under Police Act, for cleaning horse on a carriage-way, £1 1s."—do you not think that a trumpery case on which to employ a solicitor? There may have been circumstances connected with the case which do not appear in the brief notice of the charge.
146. Then it entirely depends upon the police authorities what amount of employment, under this Police Act a solicitor to the police force shall have? He is not solicitor to the police

police force, and the employment does not occur under the Police Act; but in answer to the question I may say that it does depend upon the police authorities, to the extent of £150 per annum. E. Fosbery, Esq.

147. I think you admitted that if there were a strong case made out for the employment of a solicitor, the Colonial Secretary might sanction the payment of a much larger sum than £150? I conceive he might have quite sufficient power—he would be the sole judge. 21 Aug., 1863.

APPENDIX.

No. 3.

Audit Office,
Voucher No. 5,497.

New South Wales.—Police Contingent Account.
The Department of Police at Metropolitan Station,
Dr. to R. FORSTER,

Date or Period of Supply or Service.	For the undermentioned Supplies or Services, chargeable to (Vote) Incidental—(Executive.)	Rate.	Amount.
1862. November and December.	Conducting prosecutions (by retainer from the Police) in the following cases, during the months of November and December, 1862, viz. :— Regina v. Charles Upton—2 days Do. v. Mary Ann Kelly and 4 others—2 days .. Do. v. Britton and others—4 days Do. v. Bowman—1 day Do. v. Mildwater and another—1 day Some minor cases—2 days C. W.	Say 2 guineas per diem.	£ s. d. 25 0 0
Signature of Claimant,— ROBT. FORSTER.		TOTAL.....	£ 25 0 0

I certify that the above account has, after examination, been found to be true and correct in every particular, that the expenditure was indispensable for the police service, and that the rates were either according to contract or the lowest obtainable at the time and place.

—, Superintendent.

Examined and found correct in this office,—JNO. M'LERIE, Inspector General.

I hereby authorize the amount of the foregoing account to be paid on my behalf to Sydney Myers,—ROBT. FORSTER.

RECEIVED on the 22nd day of December, 1862, from the Inspector General of Police, the above sum of twenty-five pounds sterling,—SYDNEY MYERS.

A true copy of the original.—E. A. RENNIE.

No. 4.

Audit Office,
Voucher No. 20.

New South Wales.—Police Contingent Account.
The Department of Police at Sydney Station,
Dr. to ROBERT FORSTER, Attorney.

Date or Period of Supply or Service.	For the undermentioned Supplies or Services, chargeable to (Vote) Incidental Expenses—(Executive.)	Rate.	Amount.
1863. January 29	Water Police v. R. Houslie, Master of "Kiama" Steamer Same v. C. Sullivan, Master, "Hunter" Steamer..... Same v. Mailler, Master of the "Kembla" Steamer..... (Each charged with breach of the Act of Council, 17 Vic., No. 36, sec. 29)	£1 10s. 6d. each case.	£ s. d. 4 11 6
January 30	Sergt. Ryland v. John Latham, breach of the Act of Council 4 Wm. IV., No. 7, sec. 16 .....	.....	1 10 6
	Same v. Mathew Bridson, breach of 14 Vic., No. 25, sec. 30. Same v. Patrick Maloney, breach of 17 Vic., No. 31, sec. 1..	.....	1 10 6
January 30	A case of felony at the beginning of the month (name not known); committed for trial .....	.....	2 2 0
	Case under Police Act, for cleaning horse on carriage-way (defendant pleaded guilty) .....	.....	1 1 0
Signature of Claimant,— ROBT. FORSTER.		TOTAL.....	£ 12 6 0

E. Fosbery,
Esq.
21 Aug., 1863.

I certify that the above account has, after examination, been found to be true and correct in every particular, that the expenditure was indispensable for the police service, and that the rates were either according to contract or the lowest obtainable at the time and place.

—, Superintendent.

Examined and found correct in this office,—JOHN M'LERIE, *Inspector General*.

I hereby authorize the amount of the foregoing account to be paid on my behalf to*

RECEIVED on the 31st day of January, 1863, from the Inspector General of Police, the above sum of twelve pounds and six shillings sterling,—ROBT. FORSTER, Attorney.

Witness—JOHN KEANE, Junr.

* Here insert the name of party or bank.

A true copy of the original.—E. A. RENNIE.

No. 5.

Audit Office,
Voucher No. 118.

New South Wales.—Police Contingent Account.

The Department of Police at

Station.

Dr. to R. FORSTER, Attorney.

Date or Period of Supply or Service.	For the undermentioned Supplies or Services, chargeable to (Vote) Incidental—(Executive.)	Rate	Amount.
1863.	Regina v. Sleigh. Conducting Prosecutions at Central Police Office, Sydney, 3 days and a half, viz. :—17th, 18th, 19th, and part of 20th February, 1863, at 3 guineas a day C. W.	3 guineas a day ..	£ s. d. 11 0 6
Signature of Claimant,— ROBT. FORSTER.		TOTAL.....£	11 0 6

I certify that the above account has, after examination, been found to be true and correct in every particular, that the expenditure was indispensable for the police service, and that the rates were either according to the contract or the lowest obtainable at the time and place.

—, Superintendent.

Examined and found correct in this office,—JOHN M'LERIE, *Inspector General*.

I hereby authorize the amount of the foregoing account to be paid on my behalf to*

RECEIVED on the 28th day of February, 1863, from the Inspector General of Police, the above sum of eleven pounds and sixpence sterling,—ROBT. FORSTER.

* Here insert the name of party or bank.

A true copy of the original.—E. A. RENNIE.

No. 6.

Audit Office,
Voucher No. 1,393.

New South Wales.—Police Contingent Account.

The Department of Police at Sydney Station.

Dr. to R. M. FORSTER.

Date or Period of Supply or Service.	For the undermentioned Supplies or Services, chargeable to (Vote) Incidental—(Executive.)	Rate.	Amount.
1863. July 2	To advance of costs of conducting defence at District Court, Sydney, in the case of Sullivan v. Constable Finegan ..	.....	£ s. d. 10 0 0
Signature of Claimant— ROBT. FORSTER, Attorney.		TOTAL.....£	10 0 0

I certify that the above account has, after examination, been found to be true and correct in every particular, that the expenditure was indispensable for the police service, and that the rates were either according to contract or the lowest obtainable at the time and place,—GEO. READ, *Inspector*.

Examined and found correct in this office, —, *Inspector General*.

I hereby authorize the amount of the foregoing account to be paid on my behalf to*

RECEIVED on the 2nd day of July, 1863, from the Inspector General of Police, the above sum of ten pounds sterling,—ROBT. FORSTER.

Witness—JAS. RYELAND.

* Here insert the name of party or bank.

A true copy of the original.—E. A. RENNIE.

THURSDAY,

THURSDAY, 27 AUGUST, 1863.

Present:—

Mr. Caldwell,		Mr. Hart,
Mr. Garrett,		Mr. Macleay,
Mr. Gordon,		Mr. Piddington,
	Mr. Wilson.	

William Richman Piddington, Esq., in the Chair.

John Williams, Esq., called in, and having been sworn, was examined:—

148. *By the Chairman:* You are the Crown Solicitor? I am.
149. Have you any knowledge of the circumstances connected with the appointment of Mr. Arthur Todd Holroyd to defend an aboriginal at Bathurst Assizes, on the 16th April, 1862? I have not; I was not there—I know how the appointments are made.
150. Will you have the goodness to state to the Committee the manner in which the appointment is made, and from whom the appointment proceeds? Usually, some gentleman of the Bar is requested to hold the brief for the aborigine, and some attorney is requested to watch the case with him as attorney in the case.
151. Who is authorized to make these requests? Any one attending from my office, or the Attorney General's. Generally speaking my clerk does it if he is in the Circuit Court.
152. It is an authorization which proceeds from some person representing the Crown? I do not know that he represents the Crown. The way it arose was this:—Many years ago the Attorney and Solicitor General were authorized by a Minute of the Executive to expend a sum not exceeding five guineas in retaining a barrister to defend any aborigine who might be on trial for a capital offence, and not exceeding five guineas in the employment of an attorney. We request the parties to defend, pay the fees, and certify to the fact; but there is no special appointment.
153. I understand you to say that the practice arose under a Minute of the Executive Council? Yes.
154. Authorizing the Attorney or Solicitor General to expend that sum in the appointing of any barrister or attorney to conduct the defence? For the defence, I do not know about appointment; of course the appointment must come from some one.
155. I understand you to say that the appointment emanates from some member of the Crown? I scarcely think they are retained by the Crown in the matter. We pay the fees, but really they are the attorney and counsel for the prisoner; we request them to undertake the defence, no doubt, but that is all. In some cases the Judges do it. If I were present myself, I should do it.
156. As Crown Solicitor? Yes.
157. Would you employ these gentlemen in any other than in your official capacity? I do not consider that I employ them; I merely intimate to them that if they undertake a certain case they will be paid a certain fee, and I request them to undertake it.
158. Does that request proceed from you in your private capacity as an attorney of the Supreme Court, or in your official capacity as Crown Solicitor? In my official capacity as Crown Solicitor, but in some cases the appointment has been made by the Judges; that is to say, the Judges have requested parties to defend prisoners, and in such cases I have paid the fees.
159. In all cases the fees are paid from some funds under the control of the Executive Government? I believe so; the Land fund I think it is; but that is a matter I never inquired into.
160. I presume you are of opinion that whatever the fund is, it is paid from some fund under the control of the Executive? Yes.
161. Do you know anything as to the employment of Mr. Holroyd on the 22nd of July, 1862, for defending an aboriginal at the Central Criminal Court, for which he received a fee of five guineas? I have no recollection of that, but I have not the slightest doubt that he did so.
162. If Mr. Holroyd were employed in that way, was the five guineas he received paid out of some fund under the control of the Executive Government? Yes, and he was employed I have no doubt by me in the way I have mentioned.
163. In the Return furnished this Committee, I find the name of Mr. Richard Driver, a Member of the Legislative Assembly, appears as having received the sum of five guineas for "preparing defence of ditto"? Yes; I recollect the case well, now you mention Mr. Driver's name.
164. Do you know by whom the instructions were given to Mr. Driver to prepare the defence on this occasion? By me.
165. Did you give Mr. Driver these instructions in your own official capacity as Crown Solicitor? I suppose so.
166. Did you or did you not? I have no doubt I did.
167. Was the five guineas paid to Mr. Driver for the preparation of that defence paid out of the Consolidated Revenue Fund? Out of some Government fund; out of what I cannot say.
168. Are you aware from whom payment was derived? By whom the actual cheque was given?
169. The actual cheque was given? By Mr. Plunkett, the Secretary to the Crown Law Officers.
170. Have you any knowledge of the mode of appointment, or the system under which police cases ———? Perhaps I should mention, before concluding this matter, that there is no appointment in these cases; there is simply a brief delivered to defend, but no appointment.

J. Williams,
Esq.
27 Aug., 1863.

J. Williams,
Esq.
27 Aug., 1863.

ment at all. On the occasion just referred to, I saw Mr. Driver going to or at the Court. He said he had some case there, and I told him there was a blackfellow to be defended who required an attorney, and that he might as well take the case as another. I then furnished him with copies of the depositions, and told him I had mentioned the case to Mr. Holroyd.

171. When you state that no employment is given, do you mean that no temporary employment? No appointment.

172. Do I understand you that there is no temporary appointment for particular purposes? Certainly not. The whole thing took place as I have told you. There was an aborigine to be defended, and a fee of five guineas was allowed for his defence. As Mr. Driver was engaged in the Court, I thought he might as well undertake the case as another. I therefore furnished him with a copy of the depositions, and told him I had mentioned the case to Mr. Holroyd, and the depositions were handed as a brief to Mr. Holroyd, but there was no appointment.

173. Do you mean by saying that there was no appointment that these circumstances you conceive do not constitute an appointment? By an appointment I understand a retainer to act generally; this is simply delivering a brief.

174. It is the distinction you now describe which constitutes the difference between an appointment properly so called and the appointment which you appear to have made? That is it. There are cases in which parties are appointed to prosecute for the Crown under a commission; in such instances the parties do not take one case but a session.

175. I did not ask you whether Mr. Driver or Mr. Holroyd were appointed under a commission? I thought there might be some misunderstanding as to the term.

176. In the return to which I have referred, I see "A. T. Holroyd, 8th October, 1862," as having received twenty-one guineas for "holding junior briefs with Attorney General, at Central Criminal Court"—have you any recollection of that circumstance? Yes.

177. Can you describe the circumstances connected with the appointment of Mr. Holroyd to hold junior briefs at the particular date for which he received the sum of twenty-one guineas? That came about in this way. The Attorney General informed me that in some cases he would require a junior counsel, and told me to deliver a brief to some one.

178. It was under the authority conveyed to you by the Attorney General that you employed Mr. Holroyd by giving him this brief, for which he received the sum of twenty-one guineas on the 8th October, 1862? Upon the statement by the Attorney General that I was to retain junior counsel I delivered a brief to Mr. Holroyd as such junior counsel.

179. Have you any knowledge of the fund out of which Mr. Holroyd was paid the twenty-one guineas alluded to? I think it is a vote which Mr. Plunkett has the control of. He gives the cheque; I certify to the employment only.

180. Is that fund appropriated under any Act of Appropriation, do you know? It must be—there is a vote for it; I am sure it is in the Act of Appropriation in some shape.

181. Then the sum of £21 was paid to Mr. Holroyd out of the Consolidated Revenue Fund, for certain services that you retained him for, under the authority of the Attorney General? In the way I have mentioned.

182. In this return I find that Mr. A. T. Holroyd received a sum of £10 10s. for defending aboriginals at Bathurst and Goulburn Assizes—can you give any account of the circumstances connected with Mr. Holroyd being retained for that purpose, at those places? At Goulburn I was present, and delivered a brief to him for that purpose.

183. You delivered that brief to him in your official capacity as Crown Solicitor? Yes, as I explained before, under the minute of the Executive Council.

184. In one portion of the return referred to this Committee, the name of Mr. Robert Forster, Member of the Legislative Assembly for ——— appears under the head of "professional assistance, as attorney in the Central Police Office, from the 1st November, 1862, to the 2nd July, 1863," and the amount paid to him appears to be £58 6s. 6d.—are you aware of the mode in which that appointment was made? I have no knowledge of it whatever, excepting what I have gathered from the newspapers.

185. *By Mr. Macleay*: Does Mr. Holroyd get all these cases for defending aboriginals? No, we give them to any barristers we see in Court.

186. There has been no exclusive promise given to him that he shall have those cases? Not at all.

187. Can a barrister properly refuse a brief in any case that is given to him? He cannot properly refuse; it is the etiquette of the Bar not to refuse.

188. In cases of defending aboriginals, such as these, could a Crown Prosecutor not be employed? The Crown Prosecutor, if present, would be employed on the other side.

189. There are a number of Crown Prosecutors in Sydney? Doubtless, but generally they are on their own circuits, and would scarcely be in Court unless they were prosecuting; but even then they would have to get the fee.

190. *By Mr. Wilson*: You have stated just now that a barrister cannot refuse to take a brief when it is offered to him; is there any law to that effect? No, but there is a long established custom that he is bound to take the first retainer that is offered to him, and perhaps the first brief.

191. You have drawn a distinction between a person nominated by the Crown Law Officers to defend in a particular case, and one to defend or prosecute in several cases under a commission? In the cases I have referred to, merely a brief is delivered, and he acts upon the brief.

192. Is there any difference in principle between a person employed in one case, and being employed in several cases? That is scarcely a matter of fact.

193. You have the privilege of choosing any barrister who may be in Court at any time? Yes, I am not aware that it is in anyway limited.

194. *By Mr. Hart*: Do you not get up cases for aborigines as well as for the Crown? I do not; that is why, for the purpose of communicating between the prisoner and the barrister, an attorney is employed.

195. Is an attorney employed in each case? Not always.

196. Are there no previous steps taken for the defence of prisoners in such cases? No, unless they make application through the gaoler.

197. Then knowing that an aborigine was to be tried for a capital offence, do you not think it would be right and proper, so far as he is concerned, to instruct an attorney sometime before the trial for that purpose? Sometimes we do it one or days beforehand, that is, if at the commencement of the Circuit we find an aborigine charged with a capital offence. In fact attorneys knowing they have to get five guineas, usually remind us of the fact. With respect to all prisoners charged with capital offences, whenever they send a requisition for subpoenaing any persons we subpoena them; if they are out on bail they attend to these matters themselves.

198. In the cases of Mr. Windeyer and Mr. Holroyd—did either of those gentlemen prosecute under a commission from the Crown? No, only on briefs.

199. *By Mr. Garrett*: About this £21 paid to Mr. Holroyd—was it paid in several sums, on different briefs, or was it a general retainer for that session? We have one fixed fee of five guineas for each case, and there would therefore be four cases; it was not a particular sum for a number of cases.

200. Then it was not in the shape of a general retainer? No, each case would be marked as five guineas, that being the usual fee.

J. Williams,
Esq.
27 Aug., 1863.

William Colburn Mayne, Esquire, called in, and having been sworn, was examined:—

201. *By the Chairman*: I believe you are the Auditor General? I am.

202. Can you inform the Committee from what vote, or from what item in a vote, the sum of £58 6s. 6d. was paid to Mr. R. Forster for "professional assistance as attorney in the Central Police Office, from the 1st November, 1862, to the 2nd July, "1863"? You will find in the Estimate and Appropriation a sum voted for professional assistance, a sum of £150 I think the amount is.

203. Under the general vote for police purposes? I rather think it is under the law department—"Fees to prosecuting barristers."

204. This gentleman is not a barrister—he is a Member of the Legislative Assembly, but I believe is not a barrister, and the duty described in this return is "Professional assistance as attorney in the Central Police Office, from the 1st November, 1862, to the 2nd July, "1863"? There was an authority given for that. (*The witness handed in the same. Vide Appendix No. 7, page 12.*)

205. What is the date of this authority? The 24th March, 1862.

206. Have you the vouchers in your office authorizing the payment of this annual retainer of £150, alluded to in the letter of Under Secretary Elyard? That is the formal communication to me that it had been authorized.

207. Then you have no other authority than this letter, upon which you have paid the annual sum of £150 to an attorney? I think that is all. I do not think more was required in the case, that being from the Principal Secretary, and there being an appropriation.

208. Have you no vouchers distinguishing the payment of this annual sum of £150? Here are the vouchers of these several payments. (*The witness handed in the same. Vide Appendix Nos. 20 to 23, pages 17, 18, and 19.*)

209. These vouchers recite certain services performed by Mr. Forster? Yes.

210. Under the authority you have put in? Yes, and for which he has received these payments.

211. I perceive that the authority that is now put in by you, and signed by the Under Secretary for the Colonial Secretary, states that an annual retainer of £150 is authorized to an attorney? So I say.

212. Do I understand you to state that you consider this authority an authority to pay £150 to Mr. Robert Forster, if he is that attorney? Within that year. Any sum not exceeding £150 within that year for which the appropriation was available.

213. Is Mr. Forster, in your opinion, an officer paid under this authority an annual salary of £150 to conduct the cases of the police in this city? I regard it as a retaining fee.

214. Under this authority do you regard Mr. Forster as an officer paid an annual salary of £150? No, I do not.

215. What is the difference in your opinion between an annual retainer of £150 and an annual salary of £150? He would be paid only for the services actually certified to be performed; in the other case he would draw his salary monthly, without anything but the certificate of his being the person entitled through that authority.

216. Is Mr. Forster the only attorney who is employed under this authority, conferring the authority to pay £150 as an annual retainer? As far as the matter has come under my knowledge he is.

217. Can you inform the Committee from what fund or vote, or item of a vote, the sum of £5 5s. was paid to Mr. A. T. Holroyd, for "defending an aboriginal at Bathurst Assizes, on the 16th April, 1862"; and also the sum of £5 5s., on the 22nd July, for "defending an aboriginal at the Central Criminal Court"; and also the sum of £21, on the 8th October, 1862, for holding junior briefs with Attorney General, at Central Criminal Court"; and also a sum of £10 10s. for "defending aboriginals at Bathurst and Goulburn Assizes"? From an item of £250, for fees to prosecuting barristers.

W. C. Mayne,
Esq.
27 Aug., 1863.

- W. C. Mayne, Esq. 218. I presume you have some vouchers in your possession, under the authority of which these various sums have been paid? Yes; the first is for £5 5s, the 16th April. (*The witness handed in the same. Vide Appendix No. 19, page 17.*)
- 27 Aug., 1863. 219. Can you oblige the Committee with the voucher for the payment of £5 5s., dated 22nd July? (*The witness handed in the same. Vide Appendix No. 18, page 16.*)
220. And also for the payment of £5 5s. to Mr. Holroyd, dated 7th August, "defending an aboriginal at Parramatta Quarter Sessions"? Yes. (*The witness handed in the same. Vide Appendix No. 17, page 16.*)
221. And also for £21, dated 8th October? Yes. (*The witness handed in the same. Vide Appendix No. 16, page 15.*)
222. And also for £10 10s., dated 8th October? There are two vouchers of £5 5s. each. (*The witness handed in the same. Vide Appendix Nos. 14 and 15, page 15.*)
223. Can you furnish the Committee with the voucher for the payment to Mr. Driver of £5 5s., on the 22nd July, for "preparing defence of an aboriginal, Central Criminal Court"? Yes. (*The witness handed in the same. Vide Appendix No. 13, page 14.*)
224. Have you any warrant or vouchers for the payment of salaries of postmasters? I have the vouchers.
225. Have you any voucher for the payment of a salary to Mr. William Love, Member of the Legislative Assembly, as postmaster, or as an assignee in the insolvent estate of C. H. Smith, postmaster at Redfern, from the 1st August, 1860, to the 30th November, 1861? Yes, I have vouchers for that period, running up to September, 1861, for payments to The others are in our bound books. (*The witness produced three books, containing vouchers.*) William Love. These are two of them. (*The witness handed in the same. Vide Appendix Nos. 8 to 12, pages 13 and 14.*)
226. All these vouchers appear to be signed by William Love, as postmaster? Yes, the vouchers seem to be so.
227. Are these all the vouchers, these in the books and the loose ones, all the vouchers that purport to be signed by Mr. William Love, Member of the Legislative Assembly? I have no knowledge of Mr. Love as being a Member of the Legislative Assembly.
228. Are these vouchers witnessed by any gentlemen in your office, or in the service of the Government? Not in my office; they must be witnessed in the office at the time of the payment; the payments are not made in my office.
229. From what office is the payment made? The Postmaster General. It is either made by Postmaster General or the Treasury; I imagine the Postmaster General.
230. *By Mr. Hart:* Do you consider that the authority from the Under Secretary, which you have handed in, authorizes you to continue the payment of £150 to an attorney for prosecuting cases at the Police Office, from year to year, or merely during the year in which the authority bears date? From year to year, unless counter-ordered, and provided there is inappropriation.
231. Did the sum of £1,500, which was voted in 1862, cover that and all other contingencies in the Colonial Secretary's Department; I should imagine it did, but I could not speak from memory to the subject.
232. Has a similar sum to that alluded to in the letter been voted for the present year? Yes, there is a similar sum voted for 1863.
233. With respect to the case of Mr. Love—I presume you know nothing of the appointment? I know nothing of the appointment.
234. The payments were made to him under the authority of the vouchers you have produced? The payments were made before the vouchers came to me; the vouchers are in support of the payments.
235. *By Mr. Garrett:* The Secretary for the Post Office makes the payments? I believe so.
236. *By Mr. Hart:* Do you know that Mr. Love received that money as assignee for some person who had assigned his estate? I have no official knowledge of it.

APPENDIX.

No. 7.

*Colonial Secretary's Office,
Sydney, 24 March, 1862.*

Sir,

In reply to your letter of the 14th instant, I am directed to inform you that the Colonial Secretary approves of your paying an attorney an annual retainer of £150 to conduct the cases of the Police of this city at the Central and Water Police Courts, and of the expense being charged against the sum of £1,500 voted for Incidental Expenses during the present year.

I have, &c.,
W. ELYARD.

The Inspector General of Police.

A true manuscript.—W. C. MAYNE, A.G.
Compd.—E.A.R.

MEMORANDUM.—The item of £1,500, referred to in the annexed letter, is shewn by the accounts of the Inspector General of Police to have been exceeded on the 31st of May last (the latest account received) by the sum of £4,072 13s. 9d., which forms part of the deficiency in the police votes for 1862, which is included in the Supplementary Estimates, and authorized by the Governor and the Executive Council to be paid in anticipation of the requisite vote.

*Audit Office,
28 August, 1863.*

W. C. MAYNE,
A.G.

A true copy.—W. C. MAYNE, A.G.

No. 8.

13

No. 8.

ABSTRACT and Acquittance of the Salary and Allowance of the Postmaster at Redfern, from the 1st April to the 30th June, 1861, inclusive.

W. C. Mayne,
Esq.

27 Aug., 1863.

Situation.	Name.	Date of Appointment.	Period.		No. of Days.	Fixed Salary.	Amount.
			From	To		Yearly Rate.	
			1862.			£ s. d.	£ s. d.
Postmaster at Redfern	W. Love	....	1 April.	30 June.	....	12 0 0	3 0 0

I certify that the abovenamed person was actually employed in the situation, and during the period above-mentioned.

W. H. CHRISTIE,
Postmaster General.

I acknowledge to have received from the Postmaster General, this 13th day of July, 1861, the sum of three pounds, in full of my salary and allowance for the period above specified.

WILLIAM LOVE,
Postmaster.

Witness—T. KING, L.C.
To the Postmaster General, Sydney.

Please pay to John Bradley, Redfern, or order, the above sum of three pounds sterling.
—, Postmaster.

MEMO.—It is requested that both the receipt and order for disposal of amount will be duly signed, and the abstract returned as soon as possible.

No. 9.

ABSTRACT and Acquittance of the Salary and Allowance of the Postmaster at Redfern, from the 1st July to the 30th September, 1861, inclusive.

Situation.	Name.	Date of Appointment.	Period.		No. of Days.	Fixed Salary.	Amount.
			From	To		Yearly Rate.	
			1861.			£	£ s. d.
Postmaster at Redfern	W. Love	....	1 July	30 Sept.	....	12	3 0 0

I certify that the abovenamed person was actually employed in the situation, and during the period above-mentioned.

W. H. CHRISTIE,
Postmaster General.

I acknowledge to have received from the Postmaster General this 13th day of October, 1861, the sum of three pounds in full of my salary and allowance for the period above specified.

WILLIAM LOVE,
Postmaster.

Witness—J. BAYLY.
To the Postmaster General, Sydney.—

Please pay to Commercial Bank or order, the above sum of three pounds to my credit.
5 October, 1861.

WILLIAM LOVE,
Postmaster.

F. S. M'LEAN, Teller.

MEMO.—It is requested that both the receipt and order or disposal of amount, will be duly signed, and the abstract returned as soon as possible.

A true copy.—W. C. MAYNE, A.G.

No. 10.

ABSTRACT and Acquittance of the Salary and Allowance of the Postmaster at Redfern, from the 1st January to the 31st March, 1861, inclusive.

Situation.	Name.	Date of Appointment.	Period.		No. of Days.	Fixed Salary.	Amount.
			From	To		Yearly Rate.	
			1861.			£	£ s. d.
Postmaster at Redfern	W. Love	....	1 Jan.	31 Mar.	....	12	3 0 0

I certify that the abovenamed person was actually employed in the situation, and during the period above-mentioned.

W. H. CHRISTIE,
Postmaster General.

I acknowledge to have received from the Postmaster General this 18th day of April, 1861, the sum of three pounds in full of my salary and allowance for the period above specified.

WILLIAM LOVE,
Postmaster.

Witness—J. BAYLY.
To the Postmaster General, Sydney.—

Please pay to John Bradley, Post Office, Redfern, or order, the above sum of three pounds sterling.
11 April.

WILLIAM LOVE,
Postmaster.

MEMO.—It is requested that both the receipt and order for disposal of amount will be duly signed, and the abstract returned as soon as possible.

A true copy.—W. C. MAYNE, A.G.

No. 11.

W. C. Mayne,
Esq.
27 Aug., 1863.

No. 11.

ABSTRACT and Acquittance of the Salary and Allowance of the Postmaster at Redfern, from the 1st October to the 31st December, 1860, inclusive.

Situation.	Name.	Date of Appointment.	Period.		No. of Days.	Fixed Salary.	Amount.
			From	To		Yearly Rate.	
			1860.			£	£ s. d.
Postmaster at Redfern	W. Love ..	....	1 Oct.	31 Dec.	..	12	3 0 0

I certify that the abovenamed person was actually employed in the situation, and during the period above-mentioned.

T. K. ABBOTT,
Acting for Postmaster General.

I acknowledge to have received from the Postmaster General this 10th day of January, 1861, the sum of three pounds in full of my salary and allowance for the period above specified.

WILLIAM LOVE,
Postmaster.

Witness—JOHN BRADLEY.

To the Postmaster General, Sydney,—

Please pay to Commercial Banking Company, or order, the above sum of three pounds sterling.

WILLIAM LOVE,
Postmaster.

F. S. M'LEAN, Teller.

MEMO.—It is requested that both the receipt and order for disposal of amount will be duly signed, and the abstract returned as soon as possible.

A true copy,—W. C. MAYNE, A.G.

No. 12.

ABSTRACT and Acquittance of the Salary and Allowance of the Postmaster at Redfern, from the 1st August to the 30th September, 1860, inclusive.

Situation.	Name.	Date of Appointment.	Period.		No. of Days.	Fixed Salary.	Amount.
			From	To		Yearly Rate.	
			1860.			£	£ s. d.
Postmaster at Redfern	W. Love ..	....	1 Aug.	30 Sept.	....	12	2 0 0

I certify that the abovenamed person was actually employed in the situation, and during the period above-mentioned.

W. H. CHRISTIE,
Postmaster General.

I acknowledge to have received from the Postmaster General this 17th day of October, 1860, the sum of two pounds in full of my salary and allowance for the period above specified.

WILLIAM LOVE,
Postmaster.

Witness—J. BA Y L.

To the Postmaster General, Sydney,—

Please pay to or order, the above sum of

WILLIAM LOVE,
Postmaster.

MEMO.—It is requested that both the receipt and order for disposal of amount will be duly signed, and the abstract returned as soon as possible.

A true copy—W. C. MAYNE, A.G.

No. 13.

New South Wales.

Voucher No. 35.

The Department of Crown Law,—

Dr. to RICHARD DRIVER, Solicitor.

Date.		Amount.
	For the undermentioned Services, performed for the Department, viz:—	
1863. July 9.	Regina v. Roger, alias Roger Matthews, an aboriginal. Preparing defence of the above prisoner, tried at the Central Criminal Court, on the 9th instant, for murder	£ s. d. 5 5 0
Signature of Claimant,—		Total.....£ 5 5 0

I certify that the services charged in the above account were satisfactorily performed according to agreement, by the abovenamed individual. I further certify that they were necessarily required for the public service, and that the rates charged were the most reasonable for which the same could be procured at the time they were stipulated for,—JOHN F. HARGRAVE.
RECEIVED on the 22nd day of July, 1862, from W. E. Plunkett, Esq., Secretary to Law Officers, the sum of five pounds five shillings sterling, in full payment of the above account.—R. DRIVER, Junr.

I hereby authorize the amount of the above account to be paid on my behalf to *

* Here insert the name of party or bank.

A true copy.—W. C. MAYNE, A.G.

No. 14.

15

No. 14.
New South Wales.
The Department of Crown Law,—
Dr. to ARTHUR TODD HOLROYD, Esq., Barrister-at-Law.

W. C. Mayne,
Esq.,
27 Aug., 1863.

Date.	For the undermentioned Services, performed for the Department, viz:—	Amount.
1862.	Regina <i>v.</i> Black Jackey (Rape)—Tried 8th September, 1862, at Bathurst Circuit Court. Defending abovenamed aboriginal	£ s. d. 5 5 0
Signature of Claimant,— _____		TOTAL.....£ 5 5 0

I certify that the services charged in the above account were satisfactorily performed by the abovenamed individual. I further certify that they were necessarily required for the public service—
JOHN WILLIAMS.

RECEIVED on the 8th day of October, 1862, from the Secretary to the Crown Law Officers, the sum of five pounds five shillings sterling, in full payment of the above account.—ARTHUR T. HOLROYD.

I hereby authorize the amount of the above account to be paid on my behalf to *

* Here insert the name of party or bank.

A true copy.—W. C. MAYNE, A.G.

No. 15.
New South Wales.
The Department of Crown Law,
Dr. to ARTHUR TODD HOLROYD, Esq., Barrister-at-Law.

Voucher No. 57.

Date.	For the undermentioned Services, performed for the Department, viz:—	Amount.
1862.	Regina <i>v.</i> Peter (Murder)—Tried 23rd September, 1862, at Goulburn Circuit Court. Defending abovenamed aboriginal	£ s. d. 5 5 0
J. F. H., A.G.—8/10/62. 17/11/62.		
Signature of Claimant,— _____		TOTAL.....£ 5 5 0

I certify that the services charged in the above account were satisfactorily performed by the above-named individual. I further certify that they were necessarily required for the public service,—
JOHN WILLIAMS.

RECEIVED on the 8th day of October, 1862, from the Secretary to the Crown Law Officers, the sum of five pounds five shillings sterling, in full payment of the above account.—ARTHUR T. HOLROYD.

I hereby authorize the amount of the above account to be paid on my behalf, to *

* Here insert the name of party or bank.

A true copy.—W. C. MAYNE, A.G.

No. 16.
New South Wales.
The Department of Crown Law,
Dr. to ARTHUR T. HOLROYD, Esq., Barrister-at-Law.

Voucher No. 55.

Date.	For the undermentioned Services, performed for the Department, viz:—	Amount.
1862.	Holding junior briefs with the Attorney General in the following cause, at the Criminal Sittings of the Supreme Court at Darlinghurst, commencing on 29th September, 1862:—	£ s. d.
Oct. 1	Regina <i>v.</i> John Robinson, murder	5 5 0
" 2	Do. <i>v.</i> Danl. Dunstan, embezzlement	5 5 0
" 3	Do. <i>v.</i> do. do.	5 5 0
" 6	Do. <i>v.</i> { John Pearl, } Piracy	5 5 0
	{ Henry Ball, }	
J. F. H., A.G.—8/10/62.		
Signature of Claimant,— _____		TOTAL.....£ 21 0 0

W. C. Mayne, Esq. I certify that the services charged in the above account were satisfactorily performed by the above-named individual. I further certify that they were necessarily required for the public service,—
JOHN WILLIAMS.

27 Aug., 1862. RECEIVED on the 8th day of October, 1862, from the Secretary to the Crown Law Officers, the sum of twenty-one pounds sterling, in full payment of the above account.—ARTHUR T. HOLROYD.

I hereby authorize the amount of the above account to be paid on my behalf, to *

* Here insert the name of party or bank.

A true copy.—W. C. MAYNE, A.G.

No. 17.

New South Wales.

Voucher No. 20 A.

The Department of Quarter Sessions,

Dr. to ARTHUR TODD HOLROYD.

Date.		Amount.
1862. Aug. 5	For the undermentioned Services, performed for the Department, viz.:— Conducting defence of "Sal," an Aboriginal Verdict—Guilty.	£ s. d. 5 5 0
Signature of Claimant,— _____		TOTAL.....£ 5 5 0

I certify that the services charged in the above account were satisfactorily performed, according to agreement, by the abovenamed individual. I further certify that they were necessarily required for the public service, and that the rates charged were the most reasonable for which the same could be procured at the time they were stipulated for,—ARTHUR T. HOLROYD.

Countersigned,—W. R. TEMPLETON, Crown Prosecutor.

RECEIVED on the 5th day of August, 1862, from E. Rogers, Clerk of the Peace, the sum of five pounds five shillings sterling, in full payment of the above account.—ARTHUR T. HOLROYD.

Witness—JN. BROWN.

I hereby authorize the amount of the above account to be paid on my behalf, to *

* Here insert the name of party or bank.

A true copy.—W. C. MAYNE, A.G.

No. 18.

New South Wales.

Voucher No. 34.

The Department of Crown Law,

Dr. to ARTHUR TODD HOLROYD, Barrister-at-Law.

Date.		Amount.
1862. July 9	For the undermentioned Services, performed for the Department, viz.:— Regina v. Roger, alias Roger Matthews, an aboriginal. Defending the above prisoner at the Central Criminal Court, on 9th instant, upon a charge of Murder	£ s. d. 5 5 0
Signature of Claimant,— _____		TOTAL.....£ 5 5 0

I certify that the services charged in the above account were satisfactorily performed, according to agreement, by the abovenamed individual. I further certify that they were necessarily required for the public service, and that the rates charged were the most reasonable for which the same could be procured at the time they were stipulated for,—JOHN F. HARGRAVE.

RECEIVED on the 22nd day of July, 1862, from W. E. Plunkett, Esq., Secretary to Crown Law Offices, the sum of five pounds five shillings sterling, in full payment of the above account.—ARTHUR T. HOLROYD.

Witness—JOHN WILLIAMS.

I hereby authorize the amount of the above account to be paid on my behalf, to *

* Here insert the name of party or bank.

A true copy.—W. C. MAYNE, A.G.

No. 19.

17

No. 19.

New South Wales.

Voucher No. 18.

W. C. Mayne,
Esq.

The Department of Crown Law,

Dr. to A. T. HOLROYD, Esq., Barrister-at-Law.

27 Aug., 1863.

Date.	For the undermentioned Services, performed for the Department, viz. :-	Amount.
1863.	Regina v. Johnny Bullfrog, an aboriginal. Defending above prisoner at the Bathurst Assizes, in March, 1862 ..	£ s. d. 5 5 0
Signature of Claimant,— _____		TOTAL.....£ 5 5 0

I certify that the services charged in the above account were satisfactorily performed according to agreement, by the abovenamed individual. I further certify that they were necessarily required for the public service, and that the rates charged were the most reasonable for which the same could be procured at the time they were stipulated for,—JOHN F. HARGRAVE.

RECEIVED on the 16th day of April, 1862, from W. E. Plunkett, Secretary to Crown Law Officers, the sum of five pounds five shillings sterling, in full payment of the above account,—ARTHUR T. HOLROYD.

Witness—J. JACKSON.

I hereby authorize the amount of the above account to be paid on my behalf to*

* Here insert the name of party or bank.

A true copy.—W. C. MAYNE, A.G.

No. 20.

Audit Office,
Voucher No.

New South Wales.—Police Contingent Account.

The Department of Police at Sydney Station,

Dr. to ROBERT FORSTER, Attorney.

Date or Period of Supply or Service.	For the undermentioned Supplies or Services, chargeable to	Rate.	Amount.
(Vote) Incidental—(Executive.)			
1863. Jan. 29 ..	Water Police v. R. Houslie, master of "Kiama" steamer; same v. C. Sullivan, master of "Hunter" steamer; same v. Mailler, master of the "Kembla" steamer; each charged with breach of the Act of Council, 17 Vic., No. 36, sec. 29 ..	£ s. d. 1 10 6 each case. }	£ s. d. 4 11 6
.. 30 ..	Sergeant Ryeland v. John Latham—breach of the Act of Council, 4 Wm. IV., No. 7, sec. 16 ..	.....	1 10 6
	Same v. Matthew Bridson—breach of 14 Vic., No. 25, sec. 30 ..	.....	1 10 6
	Same v. Patrick Malony—breach of 17 Vic., No. 31, sec. 1..	.....	1 10 6
.. 30 ..	A case of felony at the beginning of the month, name unknown—committed for trial ..	.....	2 2 0
	Case under Police Act for cleaning horse on carriage-way—Defendant pleaded guilty .. .. .	.....	1 1 0
Signature of Claimant,— _____		TOTAL.....£	12 6 0

I certify that the above account has, after examination, been found to be true and correct in every particular, that the expenditure was indispensable for the police service, and that the rates were either according to contract or the lowest obtainable at the time and place.

_____, Superintendent.

Examined and found correct in this office,—JOHN M'LERIE, Inspector General.

I hereby authorize the amount of the foregoing account to be paid on my behalf to*

RECEIVED on the 31st day of January, 1863, from the Inspector General of Police, the above sum of twelve pounds six shillings sterling,—R. FORSTER, Attorney.

Witness—JOHN KEANE, JUNR.

* Here insert the name of party or bank.

A true copy.—W. C. MAYNE, A.G.

W. C. Mayne,
Esq.

No. 21.

Audit Office,
Voucher No. 1,393.

27 Aug., 1863. New South Wales.—Police Contingent Account.

The Department of Police at Sydney Station,
Dr. to R. FORSTER.

Date or Period of Supply or Service.	For the undermentioned Supplies or Services, chargeable to	Rate.	Amount.
	(Vote) Incidental—(Executive.)		£ s. d.
1863. July 2	To advance of costs of conducting defence at District Court, Sydney, in the case of Sullivan <i>versus</i> Constable Finegan	.....	10 0 0
Folio 248. Signature of Claimant,— R. FORSTER, Attorney.			TOTAL £ 10 0 0

I certify that the above account has, after examination, been found to be true and correct in every particular, that the expenditure was indispensable for the police service, and that the rates were either according to contract or the lowest obtainable at the time and place.—GEO. READ, *Inspector.*

Examined and found correct in this office, —, *Inspector General.*

I hereby authorize the amount of the foregoing account to be paid on my behalf to*

RECEIVED on the 2nd day of July, 1863, from the Inspector General of Police, the above sum of ten pounds sterling.—R. FORSTER.

Witness—JAS. RYELAND.

* Here insert the name of party or bank.

A true copy.—W. C. MAYNE, A.G.

No. 22.

Audit Office,
Voucher No. —.

New South Wales.—Police Contingent Account.

The Department of Police at Metropolitan Station,

Dr. to ROBERT FORSTER.

Date or Period of Supply or Service.	For the undermentioned Supplies or Services, chargeable to	Rate.	Amount.
	(Vote)—Incidental—(Executive.)		£ s. d.
1862. November and December.	Conducting prosecution, (by retainer from the Police) in the following cases, during the months of November and December, 1862, viz.:— Regina <i>v.</i> Charles Upton—2 days Do. <i>v.</i> Mary Ann Kelly and 4 others—2 days .. Do. <i>v.</i> Britton and others—4 days Do. <i>v.</i> Bowman—1 day Do. <i>v.</i> Mildwater and others—1 day..... Some minor cases—2 days	} Say 2 guineas per diem,	} 25 0 0
Signature of Claimant,— ROBERT FORSTER.			TOTAL..... £ 25 0 0

I certify that the above account has, after examination, been found to be true and correct in every particular, that the expenditure was indispensable for the police service, and that the rates were either according to contract or the lowest obtainable at the time and place. —, *Superintendent.*

Examined and found correct in this office,—JNO. M'LERIE, *Inspector General.*

I hereby authorize the amount of the foregoing account to be paid on my behalf to Sydney Myers,—ROBERT FORSTER.

RECEIVED on the 22nd day of December, 1862, from the Inspector General of Police, the above sum of twenty-five pounds sterling.—SYDNEY MYERS.

A true copy.—W. C. MAYNE, A.G.

No. 23.

New South Wales.—Police Contingent Account.

The Department of Police at

Station.

27 Aug., 1863.

Dr. to ROBERT FORSTER, Attorney.

Date or Period of Supply or Service.	For the undermentioned Supplies or Services, chargeable to (Vote) Incidental—(Executive.)	Rate.	Amount.
1863.	Regina v. Sleigh. Conducting prosecutions at Central Police Office, Sydney, 3 days and a half, viz.:—17th, 18th, 19th, and part of 20th February, 1863, at 3 guineas a day	3 guineas a day ..	£ s. d. 11 0 6
Signature of Claimant,— ROBERT FORSTER.		TOTAL.....£	11 0 6

I certify that the above account has, after examination, been found to be true and correct in every particular, that the expenditure was indispensable for the police service, and that the rates were either according to contract or the lowest obtainable at the time and place.

—, Superintendent.

Examined and found correct in this office,—JNO. M'LERIE, *Inspector General*.

I hereby authorize the amount of the foregoing account to be paid on my behalf*

RECEIVED on the 23th day of February, 1863, from the Inspector General of Police, the above sum of eleven pounds and sixpence sterling,—ROBERT FORSTER.

* Here insert the name of the party or bank.

A true copy.—W. C. MAYNE, A.G.

Henry Lane, Esq., called in, and having been sworn, was examined:—

237. *By the Chairman*: You are the Under Secretary to the Colonial Treasury? I am. Henry Lane, Esq.
238. Are the district postmasters appointed by the Executive Government, upon the recommendation of the Colonial Treasurer? Yes.
239. The postmasters exercise their functions more particularly under the control of your department, do they not? Yes. 27 Aug., 1863.
240. Can you furnish the Committee with any information connected with the appointment of Mr. William Love as a district postmaster, the place where he was appointed, the time during which he held the appointment, and the salary and allowances he was paid during that time? The only information I can afford is that given me by the Postmaster General, in whose office the papers are.
241. Is that information of a verbal nature, or have you any documents? It is contained in documents.
242. Will you have the goodness to furnish the Committee with the documents, or to state what the documents are? I shall, with the permission of the Committee, give a short history of the case. On the 5th November, 1862, I addressed a letter to the Postmaster General, requesting to be informed of the names of Members of Parliament who had been in any way employed by Government during the present Parliament. He replied on the 15th November, 1862, enclosing a return shewing the names. The return contained the name of William Love, Esq., M.P., and improperly included the name of Thomas Garrett, Esq., M.P.
243. Was the document incorrect as a matter of fact in respect to including the name of Mr. Garrett? There was a misapprehension on the part of the Postmaster General, which I shall explain. On the 7th November, 1862, the Postmaster General submitted the name of "Thomas Garrett, newspaper proprietor, of Wollongong," to be a vendor of postage stamps. The then Treasurer, Mr. Weckes, declined to sanction the appointment, stating that he would make inquiry. Previously to this decision being communicated to the Postmaster General, his letter, dated 15th November, had been received in the Treasury, and he assumed that his recommendation in favour of Mr. Garrett was approved of, but it was disallowed, and the appointment was never gazetted. Subsequently a letter was received from Mr. Garrett, withdrawing the application.
244. Have you any further information to give the Committee—with regard to Mr. Love, Will you proceed with the narrative you were giving? During the present Session of Parliament I wrote again to the Postmaster General, on the 5th of June, 1863, and he replied by sending a copy of the first return, together with this letter, dated 10th June. (*The witness handed in the same. Vide Appendix No. 32, page 21.*) I wrote to the Postmaster General, requesting that he would assure me whether the William Love referred to was the Member of Parliament, and he assured me that he was. His reply, dated 22nd June, I shall read. (*The witness read the same. Vide Appendix No. 33, page 21.*) I accordingly prepared a return, for the purpose of being placed before Parliament. Mr. Love, in the mean time, waited upon the Treasurer, and produced a deed of assignment from Mr. Smith to him.
245. *By Mr. Wilson*: Who is Mr. Smith? The party referred to in the return as the assignor in the insolvent estate of "C. H. Smith, postmaster, Redfern."

246.

- Henry Lane, Esq.
27 Aug., 1863.
246. *By the Chairman* : Can you state for how long a period Mr. Love filled the office of postmaster at Redfern ? As stated to me by the Postmaster General, from the 1st August, 1860, to the 30th November, 1861.
247. Was Mr. Love paid an annual salary as the postmaster during that period ? At the rate of £12 per annum, with an allowance of 10 per cent. on the sale of postage stamps.
248. Have you any other information you wish to give upon this subject ? None other.
249. *By Mr. Hart* : As a matter of fact, was Mr. Love paid his salary individually, or as the assignee of Smith ? I am unable to tell ; the payments were made by the Postmaster General, from the credits that I place at his disposal.
250. *By Mr. Garrett* : When Mr. Love was appointed, was it not on the production of this deed of assignment of Mr. Smith ? I am not aware.
251. With regard to the application of Thomas Garrett, do you find, from the documents before you, that it was made in my name ? It was made by John Curr, *pro* Thomas Garrett.
252. The document withdrawing the application was signed by myself ? It is signed, "Thomas Garrett."
253. The appointment was never gazetted ? It was not gazetted.
254. What is the remuneration attached to the sale of postage stamps ? There is an allowance of 10 per cent. only.
(*The witness handed in a number of papers. Vide Appendix Nos. 24 to 31, pages 20 and 21.*)

APPENDIX.

No. 24.

*The Treasury, New South Wales,
5 November, 1862.*

Sir,

The Legislative Assembly having called for a return, shewing the names of all Members of Parliament who have in any way been employed by the Government or its Officers, the nature of the employment, and the amount of remuneration paid for such services during the present Parliament, I am directed to request that, if you can afford any information on the subject, you will have the goodness to furnish me with it, at your early convenience.

I have, &c.,

HENRY LANE,
Under Secretary.

The Postmaster General.

No. 25.

*General Post Office,
Sydney, 15 November, 1862.*

Sir,

In obedience to your letter of the 5th instant, I have the honor to transmit a return, shewing the names of Members of Parliament employed by this Department, as required by the Legislative Assembly.

I have, &c.,

W. H. CHRISTIE,
Postmaster General.

The Under Secretary
for Finance and Trade.

RETURN shewing names of Members of Parliament who have been employed by the Post Office Department—with the nature of employment, amount of remuneration, &c., &c. :—

Wm. Love, Esq., M.P., appointed Postmaster at Redfern, 1st August, 1860. Resigned, 30th November, 1861, salary £12 per annum, with allowance of 10 per cent. on sale of postage stamps.

Thomas Garrett, Esq., M.P., appointed postage stamp seller at Wollongong, 7 November, 1862. Remuneration, 5 per cent. on postage stamps sold.

General Post Office,
Sydney, 15 November, 1862.

W. H. CHRISTIE,
Postmaster General.

No. 26.

*"Illawarra Mercury Office,"
Wollongong, 29 October, 1862.*

Sir,

I have the honor to apply for permission to sell Postage Stamps at my establishment, the "Illawarra Mercury Office," Wollongong. Should my application be granted you will oblige by intimating the same to me.

I have, &c.,

JOHN CURR,
Pro THOMAS GARRETT.

The Postmaster General,
Sydney.

Copies of Minute on the preceding.

Wollongong P.M.—Report.
B.C. 31/10/62.

(To be returned.)

W. H. CHRISTIE,
P. M. G.

I believe the granting this license will be a convenience to the public, as the Mercury Office is directly opposite the site of the new post office.

THOS. W. ELLIOTT,
Wollongong P. M.

Memorandum by Postmaster General.

Leave granted.—Let the usual steps be taken.—6/11/62.

No. 27.

21

No. 27.

General Post Office,
Sydney, 7 November, 1862.

Henry Lane,
Esq.

Sir, I have to enclose, for publication in the *Gazette*, a draft notice, consequent on the party named in the margin* being appointed a vendor of postage stamps; and, in requesting the necessary instructions may be given to the Government Printer, beg to intimate that twenty-five copies of the advertisement will be required for the use of this office.

27 Aug., 1863.

*Thomas Garrett
Newspaper proprietor,
Wollongong.

The Under Secretary
for Finance and Trade.

I have, &c.,
W. H. CHRISTIE,
Postmaster General.

No. 28.

Copy of Notice as prepared for insertion in Gazette.

The undermentioned person has been duly authorized to sell postage stamps, viz. :—

— Nov., 1862.

THOMAS GARRETT,
Newspaper Proprietor, Wollongong.

Wollongong, Nov. 19, 1862.

Sir, Referring to an application made on my account for permission to sell postage stamps at the *Mercury* Office, Wollongong, I beg leave hereby to withdraw the same.

The Postmaster General.

I am, &c.,
THOS. GARRETT.

Minute on the above.

The application being withdrawn, the appointment will not be made.—E.C.W. 28 Nov., /63.

No. 29.

*The Treasury, New South Wales,
1 June, 1863.*

Sir, The Legislative Assembly having called for a Return, shewing the names of all Members of Parliament who have in any way been employed by the Government or its officers, the nature of the employment, and the amount of remuneration paid for such services during the present Parliament, I am directed to request that if you can afford any information on the subject, you will have the goodness to furnish me with it, at your early convenience.

The Postmaster General.

I have, &c.,
HENRY LANE,
Under Secretary.

No. 30.

*General Post Office,
Sydney, 4 June, 1863.*

Sir, In reply to your Circular letter, dated 1st instant, I beg to inform you that I am not aware of any Members of Parliament being employed by this department during the current year.

The Under Secretary
for Finance and Trade.

I have, &c.,
W. H. CHRISTIE,
Postmaster General.

No. 31.

*The Treasury, New South Wales,
5 June, 1863.*

Sir, Referring to your letter of the 4th instant, I have the honor to state, that the information required by the Legislative Assembly is "a Return of the names of all Members of Parliament employed," &c., &c., "during the *present Parliament*," and not during the present year.

Perhaps, therefore, you will have the goodness to amend your Report, as soon as possible.

The Postmaster General.

I have, &c.,
HENRY LANE,
Under Secretary.

No. 32.

*General Post Office,
Sydney, 10 June, 1863.*

Sir, In compliance with the request contained in your letter of the 5th instant, I enclose a duplicate copy of a Return of the Members of the present Parliament who have been in the employ of this department; and with reference thereto I beg to inform you, that after it was transmitted to you (15th November last), Mr. Garrett withdrew his application for the appointment of licensed vendor of postage stamps, and I believe that he never received any remuneration whatever, and was not gazetted as a licensed vendor.

The Under Secretary
for Finance and Trade.

I have, &c.,
W. H. CHRISTIE,
Postmaster General.

No. 33.

*General Post Office,
Sydney, 22 June, 1863.*

My dear Sir, I have satisfied myself that Mr. W. Love, who took the Redfern P. O. (I believe) in accommodation to the residents of that locality, is the Mr. W. Love, now Member of Parliament.

Henry Lane, Esq.,
Under Secretary.

Believe me, &c.,
W. H. CHRISTIE.

William

William Edmund Plunkett, Esq., called in, and having been sworn, was examined :—

W. E.
Plunkett,
Esq.

27 Aug., 1863.

255. *By the Chairman* : You are Secretary to the Crown Law Officers? I am.
256. Have you any knowledge of the appointment of Mr. Robert Forster, as Attorney in the Central Police Office, from the 1st November, 1862, to the 2nd July, 1863? I have no official knowledge.
257. Can you inform the Committee on what system, or in what way, Mr. A. T. Holroyd was employed to defend an aboriginal at the Bathurst Assizes, on the 16th April, 1862, for which he appears to have been paid the sum of five guineas? Mr. Holroyd, I believe, was employed and paid by the Clerk of the Peace, in Sydney, under some general authority given in respect to barristers and solicitors who are entitled to be paid the sum of five guineas;—the solicitor for preparing the defence, and the barrister for defending. (*See Note at end of Evidence.*)
258. The payment is made by the authority of the Clerk of the Peace? By authority of the Colonial Secretary's letter, dated 8th July, 1852, which I would hand in. (*The witness handed in the same. Vide Appendix No. 34, page 22.*)
259. Does the same authority cover the employment of Mr. Holroyd, on the 22nd of July in the same year, defending an aboriginal at the Central Criminal Court? The same authority, I believe, applies to the defence of aborigines generally.
260. Does the same authority apply to the payment of Richard Driver of the sum of five guineas for "preparing the defence of ditto?" Yes. This is a further letter (*handing in the same. Vide Appendix No. 35, page 22.*) This is a further authority (*handing in the same. Vide Appendix No. 36, page 23.*)
261. Have you any authority under which Mr. A. T. Holroyd appears to have been paid the sum of £21 on the 8th October, 1862, for the service of "holding junior briefs with the Attorney General at the Central Criminal Court?" Not any authority, beyond its being customary to pay fees of this nature from the "General Contingencies" upon the authority and certificate of the Attorney General, furnished.
262. What contingencies do you allude to? The contingencies in the amount provided for the department of the Crown Law Officers.
263. I presume this further sum of £10 10s., which appears to have been paid to Mr. Holroyd, on the 8th October, for defending aborigines at Bathurst and Goulburn Assizes, was also paid upon the authority you have produced? Yes.
264. Do you draw the cheques for the payment of these various sums to the gentlemen I have mentioned? In the majority of cases I draw the cheques. In certain instances the Clerk of the Peace for Sydney is charged with the payment of Quarter Sessions cases.
265. *By Mr. Garrett* : In this letter of the 8th of July, in which the practice of paying barristers is authorized, you are directed to employ Mr. Purefoy? "Or some other competent barrister," leaving it open to employ any competent barrister.
266. Mr. Holroyd has not the exclusive right to be employed? No; any competent barrister may be employed.

NOTE.—With reference to questions Nos. 257 and 258, the witness states that Mr. Holroyd was employed by the officer representing the Crown.

APPENDIX.

No. 34.

*Colonial Secretary's Office,
Sydney, 8 July, 1852.*

Sir,

I am directed by His Excellency the Governor General to request that you and the Solicitor General will have the goodness to employ Mr. Purefoy, or some other competent barrister, to defend any aboriginal natives who may be brought to trial at the Circuits at which either of you may be present.

2. I am to add, that His Excellency approves of a fee of £5 5s., for each case, being paid to the barrister employed on such occasions, out of the Territorial Revenue.

I have, &c.,
W. ELYARD, JUNR.

The Honorable
The Attorney General.

No. 35.

*Attorney General's Office,
Sydney, 3 August, 1852.*

Sir,

I have the honor to acknowledge the receipt of your letter of the 8th ultimo, No. 488, stating that His Excellency the Governor General requests I will employ Mr. Purefoy, or some other competent barrister, to defend any aboriginal natives who may be brought to trial, and that His Excellency approves of a fee of £5 5s., for each case, being paid to the barrister employed on such occasions.

2. In reply, I beg leave to state that, in accordance with the authority therein conveyed, Mr. Purefoy was employed to defend an aboriginal native, who was tried at the last Quarter Sessions, at Maitland, for which he is entitled to his fee, which I will certify in the proper way.

3. I beg to point out an omission in the authority given.

According to the wording of the letter I am not authorized to employ an attorney, and it will be essential to have such power, to be exercised according to the circumstances in each case, and I will take care that the attorney's costs shall not exceed the counsel's fee.

I have, &c.,
J. H. PLUNKETT,
Attorney General.

The Honorable
The Colonial Secretary.

No. 36.

Sir,

With reference to your letter of the 3rd instant, No. 52-139, I am directed to inform you that the Governor General approves of your having employed an attorney in the defence of the aboriginal native lately tried at the Maitland Quarter Sessions, and of his being allowed his expenses, not exceeding £5 5s.—the amount of the fee paid to Mr. Purefoy, as barrister in the same case.

2. I am to add, that His Excellency approves of the employment, in future, of an attorney in the defence of every aboriginal native brought to trial, on the understanding that his expenses are not to exceed the sum of £5 5s. in each case.

The Honorable.
The Attorney General.

I have, &c.,
W. ELYARD, JUNR.

27 Aug., 1863.

TUESDAY, 1 SEPTEMBER, 1863.

Present:—

Mr. Garrett,
Mr. Gordon,
Mr. Hart,

Mr. Macleay,
Mr. Piddington,
Mr. Wilson.

WILLIAM RICHMAN PIDDINGTON, ESQ., IN THE CHAIR.

William Harvie Christie, Esq., called in, and having been sworn, was examined:—

267. *By the Chairman*: You are the Postmaster General? Yes.

268. Are you aware that Mr. William Love, Member of the Legislative Assembly, has held, or does now hold, the office of postmaster? He held it, but he resigned it some time ago.

269. What is the name of the place where Mr. Love held the situation of postmaster? Redfern.

270. For how long a period did he hold that situation? His appointment dates from the 1st August, 1860; on the 18th November, 1861, he resigned the appointment, and that of his successor dates from the 1st December, 1861.

271. Have you the letter of resignation? Yes.

272. Will you be so good as to hand it in, or a copy of it? Yes. (*The witness handed in the same. Vide Appendix No. 42, page 25.*)

273. Was Mr. Love paid a salary during the time he held the office, and if so, how much? Yes, £12 per annum, and 10 per cent. commission on the sale of postage stamps.

274. Are you aware whether Mr. Love held this office as assignee of an insolvent estate, or for his own exclusive benefit? For his own exclusive benefit, so far as I am aware.

275. You are not aware of any circumstances connected with Mr. Love's acceptance of office, that differ from those connected with the acceptance of office by any other postmaster? Excepting that Mr. Love did not reside on the premises. Shortly after being appointed he stated that he did not reside there, but that the party who managed the post office did reside there, and was, in fact, a tenant of his. He offered at one time to resign, if I thought that an objection; but as a change had been very recently made I thought it not necessary, and informed him that I must hold him responsible whether he resided there or not, and he continued in office.

276. *By Mr. Macleay*: Did Mr. Love apply for the office of postmaster? I cannot find any direct application from Mr. Love, and I cannot at this period say whether there was any personal application from him, or from the party resigning at the office; I think there must have been a personal interview. But I have a letter from the former postmaster. (*The witness read and handed in the same. Vide Appendix No. 37, page 24.*) On that I called upon Mr. Love to furnish sureties, which he did. I may state that, of course I do not know what business he did succeed to; it may have been an insolvent or an assigned estate.

277. During the time he was nominally the postmaster? Yes.

278. *By Mr. Wilson*: How do you know that Mr. Love held the office for his own benefit? Of course I cannot say to whom the money was paid; I was not aware of any peculiar circumstances in his case, and I knew that he was the postmaster.

279. You are not aware of any private arrangement entered into with his assistant or other person, with reference to this matter? I understood that he had an assistant, that his object was to keep the post office at his own store, and that Mr. Love was not doing the whole duty of postmaster.

280. *By Mr. Garrett*: Is it not customary to insist upon the residence of the postmaster at the office? Generally so, but the suburban officers are rather different from others; a party might have a residence in town and look after a store in the suburbs. It was not a fatal objection, and I thought it desirable to secure a respectable person as postmaster who did not reside upon the premises, rather than to take the chance of getting an inferior person who did.

281. When Mr. Love took this appointment, it was with the understanding that the duty should be performed by delegate? It was shortly after Mr. Love's appointment that he wrote to say he did not reside on the premises, and that he was willing to resign in favour of his assistant. I said as there had been a change so lately, I thought he had better not resign.

282. Do you remember the date of that communication? 30th August, 1860.

283. Intimating his willingness to resign? Yes. (*The witness handed in the same. Vide Appendix No. 39, page 24.*)

- W. H. Christie, Esq. 284. In fact, Mr. Love's appointment was almost a nominal one? Not when he was first appointed.
285. On the 30th August? On the 30th August I was aware he did not reside there.
- 1 Sept., 1863. 286. *By Mr. Hart*: Will you state what is the course you pursue in appointing persons to be postmasters? I call upon them to furnish two sureties, which they do, and they enter into a bond and make a declaration.
287. Was that course adopted in Mr. Love's case? Yes. There was some delay with reference to the first bond, which appears to have been mislaid; whether it ever reached my office I do not know. I find the bond he did give was dated 17th April, 1861. This is the bond, and this is the declaration, which is dated 23rd April, 1861. (*The witness handed in the same. Vide Appendix Nos. 43 and 44, page 25.*)
288. Are you aware whether Mr. Love received payment for the services he performed? Of course he received payment, but he may have handed it over to his assistant; that I do not know.
289. Can you state how the money was paid for the services alluded to? I draw cheques for the various postmasters and sign them, then it is the business of the cashier to pay them to the postmasters or their orders. Mr. Love may have ordered his assistant to receive these payments; I do not know that.
290. You cannot state positively to whom the money was paid? No, I cannot say to whom the money is paid. When not paid directly to the Postmaster it is paid to their orders.
291. Upon the vouchers handed by you to the Auditor General you would require Mr. Love's signature to the receipt? Yes.
292. Have you any letters from Mr. Love upon the subject of his appointment, other than those you have handed in? Yes. (*The witness handed in the same. Vide Appendix Nos. 33 to 42, pages 24 & 25.*)

APPENDIX.

No. 37.

(No. 6,311.)

*Post Office,
Redfern, 28 July, 1860.*

To the Postmaster General.

Sir,

Being about to relinquish business at this place, I beg to tender my resignation of the office of postmaster which I now have the honor to hold.

Mr. William Love, of 494, George-street, succeeds me in business, and I would respectfully recommend him to your notice for the vacant post.

I have, &c.,

CHAS. H. SMITH.

Call upon Mr. Love to name his sureties—31.

No. 38.

(No. 6,484.)

Sydney, 3 August, 1860.

To the Postmaster General, Sydney.

Sir,

In reply to your communication of to-day, respecting the Redfern Post Office, I beg to nominate as sureties—John Turner, grocer, Clarence-street, and Augustus Lackerstein, of Reiby Cottage, merchant.

Yours very faithfully,

W. LOVE.

Bond sent.—13/8/60—J.B.

Bond and declaration written for.—A.D.—6/3/61.

No. 39.

(No. 7,233.)

Sydney, 30 August, 1860.

The Postmaster General.

Sir,

I beg to acquaint you that I have the documents ready, as sureties for me as postmaster at Redfern, and I shall forward them to-day if it meets your approval. I do not know whether it will be any objection that I do not reside in Redfern, but in Sydney. The house in which the post office is, is my property, and the tenant, Mr. Bradley, will manage the office for me.

If, however, my non-residence would be a serious objection, I can recommend Mr. Bradley himself very strongly, as a very upright person to conduct it in his own name, and I would be accountable for him as surety to any amount required.

If you will be kind enough to let me know by bearer the result of this application, it will greatly oblige—

Yours sincerely,

W. LOVE.

George-street, 494.

Inform Mr. Love that, as the matter has been decided on, I must hold him responsible for the duties of P.M. If complaints arise I must appoint another, but do not think it proper that in so short time Mr. Smith is to recommend Mr. Love, and Mr. Love Mr. Bradley.—30/8/60.

No. 40.

25

(No. 2,446.)

No. 40.

Sydney, 18 March, 1861. W. H. Christie, Esq.

Sir,

I have received from you a notice, requesting me to send in a bond respecting the post office at Redfern. I beg to say that, within about ten days or perhaps a fortnight, as far as my recollection serves me, after receiving your letter of 13th August last, I duly executed a bond, together with my sureties, whose names were John Turner and Alexander Lackerstein, and forwarded that bond, addressed to you, through the post office.

If, however, it is mislaid, or not easily to be got at, I will execute another bond with sureties, if you will be good enough to forward me a copy.

Very respectfully,

Yours, &c.,

W. LOVE.

To the Postmaster General,
Sydney.

Mr. Dillon—report. 21/3/61.

Neither bond nor declaration received; I suppose others must be made. A. D.—13 April, 1861.

Yes; let this be at once prepared. 13/4/61.

New bond prepared and declaration now sent. 17/4/61. Read. 18/4/61.

No. 41.

To the Postmaster General.

Sydney, 16 November, 1861.

Sir,

I have had the honor of receiving a communication from you, this morning, respecting the appointment of a person to succeed me as the postmaster at Redfern. I beg to say, in reply, that I have no intention whatever of giving up the appointment. I see that the person John Bradley, who was my tenant in the house at Redfern in which the office was kept, and also my assistant, has written a letter to you, in my name, resigning the situation. He had no authority whatever to write to you in my name, because immediately on his leaving I placed another clerk to manage it in his stead. The person now managing for me is Donald M'Lachlan, who is also residing on the premises.

Very truly yours, &c.,

WILLIAM LOVE.

Inform Mr. Allen that I am not aware of any vacancy in the Redfern P. O., tho' I believe one of the assistants therein has lately left. 18/11/61.

No. 42.

(No. 10,856.)

To the Postmaster General.

Sydney, 18 November, 1861

Sir,

I have nominally held the office of postmaster at Redfern for some time back, but the person who actually received the salary and performed the duties was the tenant of the house in which the post office is held. I beg leave now, however, to resign the office, and would earnestly recommend Donald M'Lachlan, at present in charge of the office, as a fit and proper person to take this situation.

With great respect,

I am, &c.,

WILLIAM LOVE.

Inform Honorable Minister for Finance of this vacancy, and that, as it seems desirable to continue the site of the Redfern P. O., I endorse Mr. Love's recommendation as to Mr. Donald M'Lachlan being his successor.—20/11/61.

No. 43.

POST OFFICE DECLARATION.

(15 Victoria, No. 12, sec. 4.)

I, William Love, postmaster at Redfern, do solemnly and sincerely declare, that I will not willingly or knowingly open, detain, return or delay, or cause or suffer to be opened, detained, returned, or delayed, any letter or packet which shall come into my hands, power, or custody, by reason of my employment relating to the post office, except by the consent of the person or persons to whom such letter or packet shall be directed, or by an express warrant, in writing, for that purpose, under the hand of the Governor, or unless otherwise in pursuance and under the authority of any of the provisions in that behalf contained in any Act, law, or duly authorized regulation of the Colony of New South Wales, now or hereafter passed and made, or to be passed and made, for and in relation to the postage and conveyance of letters.

WILLIAM LOVE.

Declared before me, David Charles Frederick Scott, P.M., }
this twenty-third day of April, 1861,—

D. C. F. SCOTT, P.M.

No. 44.

BOND.

William Love and Others to Her Majesty.

Know all men by these presents, That we, William Love, of Redfern, John Turner, grocer, of Clarence-street, Sydney, and Augustus Lackerstein, of , merchant, all in the Colony of New South Wales, are severally and respectively held and firmly bound unto Our Sovereign Lady Queen Victoria, in the several sums of money following (that is to say), the said William Love in the sum of £100, and the said John Turner and Augustus Lackerstein in the sum of £50 each, of lawful money of Great Britain, the said several sums to be paid to Our said Lady the Queen, Her Heirs and Successors; for which said several payments to be well and truly made, we bind ourselves severally and respectively, and our respective heirs, executors, and administrators, firmly by these presents. Sealed with our seals, dated 17th day of April, in the year of Our Lord 1861.

Whereas the above-bounden William Love has been appointed Postmaster at Redfern, in the Colony of New South Wales; and whereas the said William Love, upon such his appointment, was required by the Government to become bound, himself in the sum of £100, and two sureties in the sum of £50 each, for the diligent and faithful discharge of the duties of his said appointment, and for duly accounting for all moneys passing through his hands by virtue of his said office or otherwise, from the 1st day of August, 186

215—D

And

W. H. Christie, Esq. And whereas the said John Turner and Augustus Lackerstein have agreed to join in and execute these presents as such sureties for the said William Love :

Now the condition of the above-written bond and obligation is such, that if the above-bounded William Love do, and shall from time to time, according to the General Regulations for the time being relating to the Post Office Department, or any special direction or regulation given or made by the Postmaster General, or Acting Postmaster General of the Colony, pay and deliver up, or cause to be paid and delivered up, into the hands of the said Postmaster General, or Acting Postmaster General for the time being, or to such other person or persons as shall be authorized by him to receive the same, all moneys and securities for money which shall or may be paid to, or received by, or otherwise come to the hands of the said William Love, or with which he shall or may become justly chargeable or accountable as such postmaster as aforesaid, or otherwise howsoever on behalf of Her said Majesty; and do and shall from time to time, produce and give to the said Postmaster General, or other such person authorized as aforesaid, sufficient vouchers for all payments made by him the said William Love, as such postmaster or otherwise, on behalf of Her said Majesty, and all other vouchers required by the said General Regulations or by any such special direction or regulation as aforesaid; and do and shall forthwith, upon being called upon thereto, well and truly pay and deliver up, or cause to be paid and delivered up to the said Postmaster General, or Acting Postmaster General for the time being, of the said Colony, or to such person or persons for the time being as shall be appointed by the Postmaster General, or Acting Postmaster General for the time being, of the said Colony, to receive the same, the balance of all moneys and the securities for money which shall remain in his hands, or which shall be or appear to be due from him; and shall when thereunto required by the said Postmaster General, or Acting Postmaster General for the time being, deliver up to him all such papers, letters, packages, newspapers, and other things and property whatsoever, which shall be in the possession, custody, or power of the said William Love, as such postmaster as aforesaid, or otherwise on behalf of Her said Majesty, to such person or persons as the said Postmaster General shall appoint and direct; and if the said William Love shall from time to time, and at all times diligently and faithfully discharge the duties of his said office, and submit and conform to all such general regulations and special directions and regulations as aforesaid, so far as they shall concern him in his said office or place of postmaster: Then the above-written bond and obligation shall be void and of none effect, otherwise the same shall be and remain in full force and virtue.

Signed, sealed, and delivered by the said
William Love, in the presence of—
FREDERIC EGGLESTON.

WILLIAM LOVE.

And by the said John Turner, in the
presence of—
FREDERIC EGGLESTON.

JOHN TURNER.

And by the said Augustus Lackerstein,
in the presence of—
JOHN BRADLEY.

AUGUSTUS LACKERSTEIN.

Redfern, 17 April, 1861.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MEMBERS OF PARLIAMENT EMPLOYED BY THE
GOVERNMENT.

(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 5 August, 1863.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 21 October, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A Return shewing the names of all Members of Parliament who have in any way been employed by the Government or its Officers, the nature of the employment, and the amount of remuneration paid for such services, during the present Parliament.”

(*Mr. Rotton.*)

SCHEDULE.

NO.	PAGE.
1. Return shewing the Members of Parliament who have in any way been employed by the Government or its Officers, in the departments under the Colonial Secretary, exclusive of the Law Department	2
2. Return shewing the names of Members of Parliament who have been employed by the Law Department	2
3. Under Secretary for Lands to the Under Secretary, respecting the employment of Members of Parliament by the Department of Lands. 17 November, 1862	2
4. Under Secretary for Public Works to the Under Secretary, respecting the employment of Members of Parliament by the Department of Public Works. 10 December, 1862	3
5. Under Secretary for Finance and Trade to the Under Secretary, respecting the employment of Members of Parliament by the Department of the Treasury. 26 June, 1863.. .. .	3

MEMBERS OF PARLIAMENT EMPLOYED BY THE GOVERNMENT.

No. 1.

COLONIAL SECRETARY'S DEPARTMENT.

POLICE.

NAME.	NATURE OF EMPLOYMENT.	AMOUNT PAID.
Mr. Robert Forster	Professional assistance as Attorney in the Central Police Office, from the 1st November, 1862, to the 2nd July, 1863	£ s. d. 58 6 6

No. 2.

RETURN shewing the Names of Members of Parliament who have in any way been employed by the Government, or its Officers, in the Law Department; the nature of the employment; and the amount of remuneration paid for such services, during the present Parliament.

NAME.	DATE OF PAYMENT.	AMOUNT.	SERVICE.
	1861.	£ s. d.	
W. C. Windeyer.....	6 February..	32 5 0	Prosecuting at the Central Criminal Court.
W. B. Dalley	12 March ...	80 0 0	Do. at Bathurst Assizes.
Do.	13 "	16 0 0	Travelling expenses, do.
Sir W. M. Manning, Q.C.	26 "	80 0 0	Prosecuting at Maitland Circuit.
Do.	27 "	16 0 0	Travelling expenses, do.
Edward Butler	4 April	20 0 0	Do. do. Goulburn Assizes.
W. C. Windeyer	11 June.....	16 2 6	Prosecuting at Central Criminal Court.
Do.	24 "	5 7 6	Special case, Supreme Court.
Do.	18 August ...	5 5 0	Defending Aborigines at Maitland Q.S.
Edward Butler	3 October ..	36 0 0	Travelling expenses, Goulburn Assizes.
	1862.		
John F. Hargrave	14 March	18 0 0	Travelling expenses, Maitland Assizes.
Edward Butler	20 "	26 0 0	Do. do. Bathurst Assizes.
John F. Hargrave	31 "	22 0 0	Do. do. Goulburn Assizes.
W. C. Windeyer	3 April	16 10 0	Prosecuting at Central Criminal Court.
A. T. Holroyd.....	16 "	5 5 0	Defending an Aboriginal, Bathurst Assizes.
Do.	22 July	5 5 0	Do. do. Central Criminal Court.
Richard Driver	22 "	5 5 0	Preparing defence of do.
A. T. Holroyd.....	7 August ..	5 5 0	Defending an Aboriginal at Parramatta Q.S.
Edward Butler	20 September.	80 0 0	Prosecuting at Bathurst Assizes.
Do.	20 " ..	15 0 0	Travelling expenses of do.
Sir W. M. Manning, Q.C.	23 " ..	80 0 0	Prosecuting at Maitland Assizes.
Do.	23 " ..	9 0 0	Travelling expenses, do.
Edward Butler	6 October ..	10 15 0	Special case, Supreme Court.
Do.	6 " ..	15 0 0	Travelling expenses, Goulburn Assizes.
W. C. Windeyer	8 " ..	44 0 0	Holding junior briefs with Attorney General, at Central Criminal Court.
A. T. Holroyd.....	8 " ..	21 0 0	Do. do. do.
Do.	8 " ..	10 10 0	Defending Aborigines, at Bathurst and Goulburn Assizes.
Total.....	£	695 15 0	

No. 3.

UNDER SECRETARY FOR LANDS to THE UNDER SECRETARY.

Department of Lands,

Sydney, 17 November, 1862.

SIR,

With reference to your communication of the 31st ultimo, transmitting a copy of an Address of the Legislative Assembly, for certain information respecting Members of Parliament employed by the Government, I am directed by the Minister for Lands to inform you, that he knows of no Member of Parliament having been employed under this department.

I have, &c.,

MICHL. FITZPATRICK.

No. 4.

No. 4.

UNDER SECRETARY FOR PUBLIC WORKS to THE UNDER SECRETARY.

*Department of Public Works,
Sydney, 10 December, 1862.*

SIR,

Referring to your letter of the 31st October last, forwarding a copy of an Address of the Legislative Assembly, for certain information respecting Members of Parliament employed by the Government, I am directed to inform you that, on inquiry, it has been found that the return will be nil as far as this department is concerned.

I have, &c.,
JOHN RAE.

No. 5.

UNDER SECRETARY FOR FINANCE AND TRADE to THE UNDER SECRETARY.

*The Treasury, New South Wales,
26 June, 1863.*

SIR,

Referring to your letter of the 24th October last, transmitting a copy of an Address of the Legislative Assembly, requesting a return shewing,—“The names of all “Members of Parliament who have in any way been employed by the Government or its “officers, the nature of the employment, and the amount of remuneration paid for such “services, during the present Parliament,”—I am directed to inform you, that none have been employed in the financial departments, with the exception of William Love, Esq., who, as assignee in the insolvent estate of C. H. Smith, postmaster at Redfern, nominally held the situation of postmaster at that place, from the 1st of August, 1860, to the 30th November, 1861, at a salary of £12 per annum, and an allowance of ten per cent. on the sale of postage stamps.

I have, &c.,
HENRY LANE,
Under Secretary.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CROWN PROSECUTOR.

(LETTERS RELATIVE TO MR. BUTLER'S RESIGNATION OF HIS SEAT IN THE LEGISLATIVE COUNCIL.)

Ordered by the Legislative Assembly to be Printed, 8 December, 1863.

THE HONORABLE E. BUTLER to ATTORNEY GENERAL.

Chambers, 19 November.

MY DEAR ATTORNEY GENERAL,

I received from the Solicitor General, Mr. Faucett, yesterday evening, a communication, made on his own behalf and upon yours, which I must take to be of an official character, although without official formality.

It was to the effect that the present Government consider my office of Crown Prosecutor incompatible with my position as a Member of the Upper House.

It is only justice to myself to say that hitherto this incompatibility has not occurred, at all events as a matter of fact, as I became a Member of the Upper House on the only terms upon which I could accept such a position, that is to say freedom from any condition, expressed or implied, that could in any manner trammel my independence of persons or parties; and I have ever since acted up to the spirit and to the letter of such independence, by speaking and voting according to my judgment and conscience.

I will, in the course of to-day, send in my resignation to the Governor.

Very faithfully,
E. BUTLER.

ATTORNEY GENERAL to HONORABLE E. BUTLER.

*Attorney General's Office,
30 November, 1863.*

MY DEAR BUTLER,

It was at my request that Mr. Faucett communicated with you in reference to your seat in the Legislative Council. You are aware that several months since I expressed my opinion very strongly to the effect that a Crown Prosecutor was not the kind of official that ought to be appointed a Member of the Council.

Entertaining that opinion, and not at all considering whether you would give your support to the present Administration or not, I requested my colleague to see you in a friendly way, and make you acquainted with the fact that my views still remained unchanged as to the incompatibility of the two offices, namely Crown Prosecutor and Member of Council. I am glad that you have resigned your seat in Council, and I avail myself of this opportunity to say that it would afford me the greatest regret should anything arise to deprive the public of those professional services which you have proved yourself so well capable of rendering in a manner in every way creditable to yourself and beneficial to the country.

I am, &c.,
JAMES MARTIN.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT

FROM THE

STANDING ORDERS COMMITTEE,

ON

PROPOSAL TO DISPENSE WITH 65TH STANDING ORDER,
IN RESPECT OF TWO PRIVATE BILLS.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
4 August, 1863.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1863.

[Price, 3d.]

167—

1863.

PROPOSAL TO DISPENSE WITH 65TH STANDING ORDER, IN RESPECT OF TWO
PRIVATE BILLS.

REPORT.

THE STANDING ORDERS COMMITTEE, having had under consideration the questions referred to them on 28th July, 1863 (see Votes and Proceedings, No. 21, entries 15 and 16), as to the propriety of dispensing with the 65th Standing Order of the House, in respect of two Private Bills introduced and proceeded with last Session, viz.:—
“ *A Bill to legalize the Exchange of a portion of the Allotment of the Scots Church Sydney and to authorize the re-erection of the Tower of the said Church on its present foundation* ” and “ *A Bill to incorporate the Presbyterian College in connection with the University of Sydney* ”—and having inquired into the precedents and practice in regard thereto, and taken evidence thereon, are of opinion that the requirements of the said Standing Order in the cases now referred to them should be dispensed with.

JOHN HAY,
Chairman.

*Legislative Assembly Chamber,
Sydney, 4 August, 1863.*

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT

FROM THE

STANDING ORDERS COMMITTEE

ON

PROPOSAL TO DISPENSE, IN PART, WITH 62ND STANDING
ORDER,

AND

CROSS BENCH ACCOMMODATION.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
10 December, 1863.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1863.

[Price, 3d.]

402—

1863.

PROPOSAL TO DISPENSE, IN PART, WITH 62nd STANDING ORDER—CROSS
BENCH ACCOMMODATION.

REPORT.

THE STANDING ORDERS COMMITTEE, having had under consideration the questions referred to them on the 1st December, 1863—(see Votes and Proceedings No. 70, entries 6 and 21)—as to (1) “the propriety of dispensing, in part, with the 62nd Standing Order of the House, in respect of a private Bill proposed to be introduced, viz.—‘*A Bill to Incorporate the Illawarra Coal Company,*’” and (2) “*the Accommodation for Members sitting on the Cross Benches in the Chamber,*”—have adopted the following Resolutions in relation thereto, viz. :—

(Proposal to dispense, in part, with 62nd Standing Order.)

“ 1. That the Committee having ascertained, from one of the promoters of the Bill, that the 60th Standing Order has not been complied with, your Committee consider it unnecessary to make any recommendation upon the question referred to them.

(Cross Bench Accommodation.)

“ 2. That, in the event of its being considered advisable to alter the disposition of the Cross Benches, the Committee are of opinion, that an alteration of the nature indicated by the present temporary arrangement is the best that can be adopted, and should be carried out under the direction of the Speaker.

“ 3. That, in the opinion of the Committee, such an alteration would interfere with the symmetry of the Chamber, and is therefore undesirable.

“ 4. That, for the purposes of the reference, as well as on other grounds, your Committee are of opinion that the Table should be much abridged in length; and that no more than one chair, in addition to those occupied by the Clerks, should be permitted to be placed thereat.

“ 5. That the foregoing Resolutions be embodied in a Report and submitted to the House.”

And now beg to lay the same before your Honorable House.

JOHN HAY,
Chairman.

*Legislative Assembly Chamber,
Sydney, 10 December, 1863.*

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT

FROM THE

JOINT LIBRARY COMMITTEE

ON

PROPOSED ADMISSION OF MEMBERS OF OTHER AUSTRALIAN LEGISLATURES

TO

LIBRARY AND REFRESHMENT ROOM.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
31 *March*, 1864.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

[*Price*, 3*d.*]

* 604—

1864.

c 88—

1863-4.

PARLIAMENTARY LIBRARY.

REPORT.

THE JOINT COMMITTEE of the Library of the Parliament having had under consideration the question referred to them by order of the Legislative Assembly, on the 22nd March, 1864, "as to the desirability of admitting, on the invitation or introduction of a Member of either House of Parliament, Members of the Legislatures of other Australian Colonies to the Refreshment Room and the Library," have agreed to the following Resolutions, which they now beg to report :—

- "(1.) That Members of the Legislatures of the other Australian Colonies, including New Zealand, should be admitted to the Parliamentary Library, on the introduction of a Member of either House, and that the name of the visitor introduced, with that of the Legislature to which he belongs, shall be entered and authenticated by the signature of the Member introducing him, in a book to be kept in the Library for that purpose.
- "(2.) That Members of the Legislatures of other Australian Colonies, including New Zealand, be admitted into the Refreshment Room in company with and as the guests of any Members of either House of Parliament."

*Library of the Parliament,
Sydney, 30th March, 1864.*

JOHN HAY,
Chairman.

1863-4.

NEW SOUTH WALES.

TITLE OF MEMBERS OF EXECUTIVE COUNCIL AFTER
CEASING TO BE COUNCILLORS.

(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.

Downing-street,

28 December, 1863.

SIR,

I transmit to you, for your information, copies of a correspondence with the Governor of South Australia, relative to the question of allowing Members of the Executive and Legislative Councils to retain the title of Honorable after they had ceased to be Councillors.

You will collect from that correspondence the conditions under which I shall be prepared to recommend to Her Majesty, that Executive Councillors shall receive permission to retain the title of Honorable in South Australia after ceasing to be Members of the Council. I shall be ready to adopt the same course in respect to the Colony under your Government.

I have, &c.,

NEWCASTLE.

GOVERNOR SIR D. DALY to THE DUKE OF NEWCASTLE.

Government House, Adelaide,

25 April, 1863.

MY LORD DUKE,

I have been applied to by the Members of my Council upon the subject of the prefix of Honorable, which, by Her Majesty's permission, is attached to their names during their occupancy of seats in the Executive and Legislative Councils, a distinction which they are desirous of retaining after they shall have ceased to hold office.

2. They are aware of that privilege having been conceded in Canada and other Colonies, and I would respectfully submit that the same rule might be adopted here with advantage, if it should be allowed retrospective effect, in which case some Colonists of much worth and respectability would be included, and would enjoy a well merited distinction, together with those who may hereafter cease to hold office.

3. I cannot discover from the record of Ministerial Correspondence of this Colony that any instructions have been received by any of my predecessors in relation to this subject, which after due consideration I venture to your Grace's favourable notice.

I have, &c.,

D. DALY,

Governor.

THE DUKE OF NEWCASTLE to GOVERNOR SIR D. DALY.

Downing-street,
6 August, 1863.

SIR,

I have received your despatch, marked "Separate," of the 25th April last, in which you state that you have been applied to by the Members of your Council, upon the subject of the prefix of Honorable, which you assume to be, by Her Majesty's permission, attached to their names during their occupancy of their seats in the Executive and Legislative Councils—a distinction which they are desirous of retaining after they shall have ceased to hold office.

In reply, I would point out that the retention of that title by an ex-Member of a Legislative Council is without precedent, so far as I am aware, and would be wholly incongruous, especially in cases where the Council is elective. The case of Executive Councillors stands on different grounds. I consider nothing as unimportant which tends to attract the leading Colonists to the public service of the Colony, and therefore, so long as this title is an object of ambition to such persons, it would be very desirable that it should remain a reward of political eminence; but it would soon cease to be an object of desire if it was conferred promiscuously on all persons whom chance might for a time have introduced into any Colonial Ministry.

Under these circumstances, it has appeared to me that the right to retain this title, after quitting office, should be given with a certain reserve, and only on the recommendation of the Governor, and that, in order to relieve a Governor as far as possible from the difficulty of exercising a discretion in his recommendations, it should be understood that, as a general rule, Her Majesty would not be advised to sanction the retention of the title unless the retiring Councillor had either been for three years Member of a Colonial Government, or for one year at the head of it. But before announcing this decision, I am desirous of learning whether there are any local reasons which would render its execution difficult or invidious?

I have, &c.,
NEWCASTLE.

GOVERNOR SIR D. DALY to THE DUKE OF NEWCASTLE.

Government House, Adelaide,
21 October, 1863.

MY LORD DUKE,

I have the honor to acknowledge your Grace's despatch of the 6th August, marked "Separate," on the subject of the prefix of Honorable being retained by Members of the Executive and Legislative Councils, after having ceased to hold office.

I have carefully considered your Grace's decision in reference to this subject, and I see much reason to believe that it is an improvement upon the suggestion which, at the request of my late Council, I ventured to submit to your Grace.

After consultation with some of my late and present advisers, who concur with me in thinking that the proposed restriction upon the retention of the title of Honorable in certain cases will operate favourably in many respects, I feel justified in assuring your Grace that there are no local reasons which would render its execution difficult or invidious, although the number that are at present qualified is very limited, I think the principle will be generally approved.

I shall be glad to receive your Grace's instructions in reference to this matter, in such a shape as I may, if necessary, make public, prior to submitting any names to your Grace for the honor in question.

I have, &c.,
D. DALY,
Governor.

THE DUKE OF NEWCASTLE to GOVERNOR SIR D. DALY.

Downing-street,
28 December, 1863.

SIR,

I have received your despatch, marked "Separate," of the 21st of October last, on the subject of the retention of the title of Honorable by Members of the Executive and Legislative Councils in South Australia, after they shall have ceased to hold those offices.

As regards Executive Councillors, I shall now be prepared to submit to the Queen the names of such persons as you may from time to time consider it desirable to propose as eligible for the retention of that title after having ceased to hold the office of Executive Councillor under the conditions stated in my previous despatch, "Separate," of the 6th of August last.

In the meantime you are at liberty to give the publicity which you suggest, to this arrangement.

I have, &c.,
NEWCASTLE.

1863.

NEW SOUTH WALES.

MARRIAGE OF HIS ROYAL HIGHNESS THE PRINCE
OF WALES.

(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.

(No. 69.)

Downing-street,

16 *September*, 1863.

SIR,

I have the honor to acknowledge the receipt of your despatch of the 18th June last, No. 51, reporting that the 11th of that month had been set apart for the commemoration of the Marriage of their Royal Highnesses the Prince and Princess of Wales, and forwarding various Addresses to the Queen and to their Royal Highnesses.

The Addresses to the Queen have been laid before Her Majesty, by whom they were most graciously received; and I am to assure you that it has been highly gratifying to the Queen to find how generally the inhabitants of New South Wales availed themselves of this occasion for displaying their loyalty and attachment to the Throne.

The Addresses to the Prince and Princess have been forwarded to their Royal Highnesses.

I have, &c.,

NEWCASTLE.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BIRTH OF A PRINCE.
(DESPATCH RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 16 March, 1864.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART., K.C.B.

*Downing-street,
15th January, 1864.*

SIR,

It is my pleasing duty to announce to you that on the evening of the 8th instant, at two minutes before Nine o'clock, Her Royal Highness the Princess of Wales was happily delivered of a Prince, to the great joy of the Nation and of all the Royal Family. Her Royal Highness and the Infant Prince have, through Divine Mercy, continued to do well up to the present time.

I have, &c.,
NEWCASTLE.

1863-4.

NEW SOUTH WALES.

CONSUL GENERAL FOR PERU IN POLYNESIAN
ISLANDS.

(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.

(Circular.)

Downing-street,

1 October, 1863.

SIR,

I have the honor to make known to you that Don Manuel José Palacios has been appointed Peruvian Consul General in the Polynesian Islands, and Lord Russell has informed me that the Queen's Exequatur, empowering M. Palacios to act in this capacity, received Her Majesty's signature on the 25th ultimo.

I have, &c.,

NEWCASTLE.

1863.

NEW SOUTH WALES.

NATIVES OF POLYNESIA.

(DESPATCHES RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.

(Circular.)

Downing-street,
10 October, 1863.

SIR,

I have the honor to inform you that, in the month of June last, the Secretary of State for Foreign Affairs received, through Her Majesty's Chargé d'Affaires in Peru, a note from the Peruvian Government, stating that, that Government being convinced that the introduction of Polynesians into Peru was of little advantage, and was open to many and grave objections, had entirely abolished the traffic; and that, moreover, the vessels already engaged in introducing the so-called emigrants, would be, on their arrival, subjected to a severe examination. Her Majesty's Government, however, will be glad to receive at once from you, on a subject of so serious a nature, any further information which may from time to time reach the Colony under your Government.

I have, &c.,
NEWCASTLE.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.

(No. 73.)

Downing-street,
10 October, 1863.

SIR,

I have the honor to acknowledge the receipt of your despatches, the numbers and dates of which are noted in the margin, on the subject of the traffic carried on in kidnapping natives from the Islands of the South Pacific, by ships sailing from certain ports in South America.

Separate,	16 Mar.,	1863.
Do.,	21 May,	"
Do.,	22 June,	"
Do.,	20 "	"
Do.,	4 July,	"

In reply, I have to refer you to my circular despatch of this day's date, from which you will learn that the Peruvian Government have informed Her Majesty's Government that they have stopped this so-called immigration.

You will be good enough to make known this to the gentlemen who signed the memorials contained in your despatches of the 20th and 23rd of June.

I have, &c.,
NEWCASTLE.

1863.

NEW SOUTH WALES.

AFRICAN SLAVE TRADE SUPPRESSION.

(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART., K.C.B.
(Circular.)

Downing-street,
10 July, 1863.

SIR,

I transmit to you herewith, for your information, copies of a Treaty bearing date the 7th April, 1862, between Her Majesty and the United States of America, for the suppression of the African Slave Trade, and of an additional Article thereto, signed at Washington on the 17th February, 1863.

I have, &c.,
NEWCASTLE.

TREATY between Her Majesty and the United States of America, for the Suppression of the African Slave Trade.

Signed at Washington, April 7, 1862.

[Ratifications exchanged at London, May 20, 1862.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, being desirous to render more effectual the means hitherto adopted for the suppression of the Slave Trade carried on upon the coast of Africa, have deemed it expedient to conclude a treaty for that purpose, and have named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Richard Bickerton Pemell Lord Lyons, a Peer of Her United Kingdom, a Knight Grand Cross of Her Most Honorable Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

And the President of the United States of America, William H. Seward, Secretary of State;—

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:—

ARTICLE I.

The two high contracting parties mutually consent that those ships of their respective navies which shall be provided with special instructions for that purpose, as hereinafter mentioned, may visit such merchant vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African Slave Trade, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruisers, been engaged in the African Slave Trade, contrary to the provisions of this treaty; and that such cruisers may detain, and send or carry away, such vessels, in order that they may be brought to trial in the manner hereinafter agreed upon.

In order to fix the reciprocal right of search in such a manner as shall be adapted to the attainment of the object of this treaty, and at the same time avoid doubts, disputes, and complaints, the said right of search shall be understood in the manner and according to the rules following:—

First. It shall never be exercised except by vessels of war, authorized expressly for that object, according to the stipulations of this treaty.

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Secondly.

Secondly. The right of search shall in no case be exercised with respect to a vessel of the navy of either of the two Powers, but shall be exercised only as regards merchant vessels; and it shall not be exercised by a vessel of war of either contracting party within the limits of a settlement or port, nor within the territorial waters of the other party.

Thirdly. Whenever a merchant vessel is searched by a ship of war, the commander of the said ship shall, in the act of so doing, exhibit to the commander of the merchant vessel the special instructions by which he is duly authorized to search; and shall deliver to such commander a certificate signed by himself, stating his rank in the naval service of his country, and the name of the vessel he commands, and also declaring that the only object of the search is to ascertain whether the vessel is employed in the African Slave Trade, or is fitted up for the said trade. When the search is made by an officer of the cruiser, who is not the commander, such officer shall exhibit to the captain of the merchant vessel a copy of the before-mentioned special instructions, signed by the commander of the cruiser; and he shall in like manner deliver a certificate, signed by himself, stating his rank in the navy—the name of the commander by whose orders he proceeds to make the search—that of the cruiser in which he sails—and the object of the search, as above described. If it appears from the search that the papers of the vessel are in regular order, and that it is employed on lawful objects, the officer shall enter in the log-book of the vessel that the search has been made in pursuance of the aforesaid special instructions; and the vessel shall be left at liberty to pursue its voyage. The rank of the officer who makes the search must not be less than that of lieutenant in the navy, unless the command, either by reason of death or other cause, is at the time held by an officer of inferior rank.

Fourthly. The reciprocal right of search and detention shall be exercised only within the distance of 200 miles from the coast of Africa, and to the southward of the thirty-second parallel of north latitude; and within thirty leagues from the coast of the Island of Cuba.

ARTICLE II.

In order to regulate the mode of carrying the provisions of the preceding article into execution, it is agreed:—

First. That all the ships of the navies of the two nations, which shall be hereafter employed to prevent the African Slave Trade, shall be furnished by their respective Governments with a copy of the present treaty, of the instructions for cruisers annexed thereto, marked A, and of the regulations for the mixed courts of justice annexed thereto, marked B, which annexes respectively shall be considered as integral parts of the present treaty.

Secondly. That each of the high contracting parties shall, from time to time, communicate to the other the names of the several ships furnished with such instructions, the force of each, and the names of their several commanders. The said commanders shall hold the rank of captain in the navy, or at least that of lieutenant: it being nevertheless understood that the instructions originally issued to an officer holding the rank of lieutenant of the navy, or other superior rank, shall in case of his death or temporary absence, be sufficient to authorize the officer on whom the command of the vessel has devolved to make the search, although such officer may not hold the aforesaid rank in the service.

Thirdly. That if at any time the commander of a cruiser of either of the two nations shall suspect that any merchant vessel, under the escort or convoy of any ship or ships of war of the other nation, carries negroes on board, or has been engaged in the African Slave Trade, or is fitted out for the purpose thereof, the commander of the cruiser shall communicate his suspicions to the commander of the convoy, who, accompanied by the commander of the cruiser, shall proceed to the search of the suspected vessel; and in case the suspicions appear well-founded, according to the tenor of this treaty, then the said vessel shall be conducted or sent to one of the places where the mixed courts of justice are stationed, in order that it may there be adjudicated upon.

Fourthly. It is further mutually agreed, that the commanders of the ships of the two navies, respectively, who shall be employed on this service, shall adhere strictly to the exact tenor of the aforesaid instructions.

ARTICLE III.

As the two preceding articles are entirely reciprocal, the two high contracting parties engage mutually to make good any losses which their respective subjects or citizens may incur by an arbitrary and illegal detention of their vessels; it being understood that this indemnity shall be borne by the Government whose cruiser shall have been guilty of such arbitrary and illegal detention; and that the search and detention of vessels, specified in the first article of this treaty, shall be effected only by ships which may form part of the two navies, respectively, and by such of those ships only as are provided with the special instructions annexed to the present treaty, in pursuance of the provisions thereof. The indemnification for the damages of which this article treats shall be paid within the term of one year, reckoning from the day in which the mixed court of justice pronounces its sentence.

ARTICLE IV.

In order to bring to adjudication, with as little delay and inconvenience as possible, the vessels which may be detained according to the tenor of the first article of this treaty, there shall be established, as soon as may be practicable, three mixed courts of justice, formed

formed of an equal number of individuals of the two nations, named for this purpose by their respective Governments. These courts shall reside, one at Sierra Leone; one at the Cape of Good Hope; and one at New York.

But each of the two high contracting parties reserves to itself the right of changing, at its pleasure, the place of residence of the court or courts held within its own territories.

These courts shall judge the causes submitted to them according to the provisions of the present treaty, and according to the regulations and instructions which are annexed to the present treaty, and which are considered an integral part thereof; and there shall be no appeal from their decision.

ARTICLE V.

In case the commanding officer of any of the ships of the navies of either country, duly commissioned according to the provisions of the first article of this treaty, shall deviate in any respect from the stipulations of the said treaty, or from the instructions annexed to it, the Government which shall conceive itself to be wronged thereby shall be entitled to demand reparation; and in such case the Government to which such commanding officer may belong, binds itself to cause inquiry to be made into the subject of the complaint, and to inflict upon the said officer a punishment proportioned to any wilful transgression which he may be proved to have committed.

ARTICLE VI.

It is hereby further mutually agreed, that every British or American merchant vessel which shall be searched by virtue of the present treaty, may lawfully be detained and sent or brought before the mixed courts of justice established in pursuance of the provisions thereof, if in her equipment there shall be found any of the things hereinafter mentioned, namely:—

- 1st. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.
- 2nd. Divisions or bulk heads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade.
- 3rd. Spare plank, fitted for laying down as a second or slave deck.
- 4th. Shackles, bolts, or handcuffs.
- 5th. A larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of the vessel as a merchant vessel.
- 6th. An extraordinary number of water-casks, or of other vessels for holding liquid; unless the master shall produce a certificate from the Custom House at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks, or of other vessels, should be used only to hold palm oil, or for other purposes of lawful commerce.
- 7th. A greater number of mess-tubs or kids than requisite for the use of the crew of the vessel as a merchant vessel.
- 8th. A boiler, or other cooking apparatus, of an unusual size, and larger, or capable of being made larger, than requisite for the use of the crew of the vessel as a merchant vessel; or more than one boiler, or other cooking apparatus, of the ordinary size.
- 9th. An extraordinary quantity of rice, of the flour of Brazil, of manioc or cassada, commonly called farinha, of maize, or of Indian corn, or of any other article of food whatever, beyond the probable wants of the crew; unless such rice, flour, farinha, maize, Indian corn, or other article of food, be entered on the manifest as part of the cargo for trade.
- 10th. A quantity of mats or matting greater than is necessary for the use of the crew of the vessel as a merchant vessel; unless such mats or matting be entered on the manifest as part of the cargo for trade.

If it be proved that any one or more of the articles above specified is or are on board, or have been on board during the voyage in which the vessel was captured, that fact shall be considered as *prima facie* evidence that the vessel was employed in the African Slave Trade, and she shall in consequence be condemned and declared lawful prize; unless the master or owners shall furnish clear and incontrovertible evidence, proving to the satisfaction of the mixed court of justice, that at the time of her detention or capture the vessel was employed in a lawful undertaking, and that such of the different articles above specified as were found on board at the time of detention, or as may have been embarked during the voyage on which she was engaged when captured were indispensable for the lawful object of her voyage.

ARTICLE VII.

If any one of the articles specified in the preceding article as grounds for condemnation should be found on board a merchant vessel, or should be proved to have been on board of her during the voyage on which she was captured, no compensation for losses, damages, or expenses consequent upon the detention of such vessel shall in any case be granted either to the master, the owner, or any other person interested in the equipment or in the lading, even though she should not be condemned by the mixed court of justice.

ARTICLE

ARTICLE VIII.

It is agreed between the two high contracting parties, that in all cases in which a vessel shall be detained under this treaty, by their respective cruisers, as having been engaged in the African Slave Trade, or as having been fitted out for the purposes thereof, and shall consequently be adjudged and condemned by one of the mixed courts of justice to be established as aforesaid, the said vessel shall, immediately after its condemnation, be broken up entirely, and shall be sold in separate parts, after having been so broken up; unless either of the two Governments should wish to purchase her for the use of its navy at a price to be fixed by a competent person chosen for that purpose by the mixed court of justice; in which case the Government whose cruiser shall have detained the condemned vessel shall have the first option of purchase.

ARTICLE IX.

The captain, master, pilot, and crew of any vessel condemned by the mixed courts of justice shall be punished according to the laws of the country to which such vessel belongs, as shall also the owner or owners, and the persons interested in her equipment or cargo, unless they prove that they had no participation in the enterprize.

For this purpose the two high contracting parties agree that, in so far as it may not be attended with grievous expense and inconvenience, the master and crew of any vessel which may be condemned by a sentence of one of the mixed courts of justice, as well as any other persons found on board the vessel, shall be sent and delivered up to the jurisdiction of the nation under whose flag the condemned vessel was sailing at the time of capture; and that the witnesses and proofs necessary to establish the guilt of such master, crew, or other persons, shall also be sent with them.

The same course shall be pursued with regard to subjects or citizens of either contracting party who may be found by a cruiser of the other on board a vessel of any third Power, or on board a vessel sailing without flag or papers, which may be condemned by any competent court for having engaged in the African Slave Trade.

ARTICLE X.

The negroes who are found on board of a vessel condemned by the mixed courts of justice, in conformity with the stipulations of this treaty, shall be placed at the disposal of the Government whose cruiser has made the capture; they shall be immediately set at liberty, and shall remain free, the Government to whom they have been delivered guaranteeing their liberty.

ARTICLE XI.

The acts or instruments annexed to this treaty, and which it is mutually agreed shall form an integral part thereof, are as follows:—

- (A.) Instructions for the ships of the navies of both nations destined to prevent the African Slave Trade.
- (B.) Regulations for the mixed courts of justice.

ARTICLE XII.

The present treaty shall be ratified, and the ratifications thereof shall be exchanged at London in six months from this date, or sooner if possible. It shall continue and remain in full force for the term of ten years from the day of exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of ten years. And it is hereby agreed between them, that on the expiration of one year after such notice shall have been received by either from the other party, this treaty shall altogether cease and determine.

In witness whereof the respective Plenipotentiaries have signed the present Treaty, and have thereunto affixed the seal of their arms.

Done at Washington, the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

(L.S.)
(L.S.)

LYONS.
WILLIAM H. SEWARD.

Annex (A) to the Treaty between Great Britain and the United States of America, for the suppression of the African Slave Trade, signed at Washington on the 7th day of April, 1862.

Instructions for the ships of the British and United States' Navies employed to prevent the African Slave Trade.

ARTICLE I.

The commander of any ship belonging to the British or United States' navy, which shall be furnished with these instructions, shall have a right to search and detain any British or United States' merchant vessel which shall be actually engaged, or suspected to be engaged, in the African Slave Trade, or to be fitted out for the purposes thereof, or to have been engaged in such trade during the voyage in which she may be met

met with by such ship of the British or United States' navy ; and such commander shall thereupon bring or send such merchant vessel (save in the case provided for in article V of these instructions), as soon as possible, for judgment, before one of the three mixed courts of justice established in virtue of the IVth article of the said treaty, that is to say :—

If the vessel shall be detained on the Coast of Africa, she shall be brought before that one of the two mixed courts of justice to be established at the Cape of Good Hope and at Sierra Leone, which may be nearest to the place of detention, or which the captor, on his own responsibility, may think can be soonest reached from such place.

If the vessel shall be detained on the coast of the Island of Cuba, she shall be brought before the mixed court of justice at New York.

ARTICLE II.

Whenever a ship of either of the two navies, duly authorized as aforesaid, shall meet a merchant vessel liable to be searched under the provisions of the said treaty, the search shall be conducted with the courtesy and consideration which ought to be observed between allied and friendly nations ; and the search shall, in all cases, be made by an officer holding a rank not lower than that of lieutenant in the navy ; or by the officer who at the time shall be second in command of the ship by which such search is made.

ARTICLE III.

The commander of any ship of the two navies, duly authorized as aforesaid, who may detain any merchant vessel in pursuance of the tenor of the present instructions, shall leave on board the vessel so detained, the master, the mate or boatswain, and two or three, at least, of the crew ; the whole of the negroes, if any ; and all the cargo. The captor shall, at the time of detention, draw up, in writing, a declaration, which shall exhibit the state in which he found the detained vessel ; such declaration shall be signed by himself, and shall be given in or sent, together with the captured vessel, to the mixed court of justice before which such vessel shall be carried or sent for adjudication. He shall deliver to the master of the detained vessel a signed and certified list of the papers found on board the same, as well as a certificate of the number of negroes found on board at the moment of detention.

In the declaration which the captor is hereby required to make, as well as in the certified list of the papers seized, and in the certificate of the number of negroes found on board the detained vessel, he shall insert his own name and surname, the name of the capturing ship, and the latitude and longitude of the place where the detention shall have been made.

The officer in charge of the detained vessel shall, at the time of bringing the vessel's papers into the mixed court of justice, deliver into the court a certificate signed by himself, and verified on oath, stating any changes which may have taken place in respect to the vessel, her crew, the negroes, if any, and her cargo, between the period of her detention and the time of delivering in such paper.

ARTICLE IV.

If urgent reasons, arising from the length of the voyage, the state of health of the negroes, or any other cause, should require that either the whole or a portion of such negroes should be disembarked before the vessel can arrive at the place at which one of the mixed courts of justice is established, the commander of the capturing ship may take upon himself the responsibility of so disembarking the negroes, provided the necessity of the disembarkation, and the causes thereof, be stated in a certificate in proper form. Such certificate shall be drawn up and entered at the time on the log-book of the detained vessel.

ARTICLE V.

In case any merchant vessel, detained in pursuance of the present instructions should prove to be unseaworthy, or in such a condition as not to be taken to one of the three ports where the mixed courts of justice are to be established in pursuance of the treaty of this date, the commander of the detaining cruizer may take upon himself the responsibility of abandoning or destroying her, provided the exact causes which made such a step imperatively necessary be stated in a certificate verified on oath. Such certificate shall be drawn up and formally executed in duplicate at the time.

In case of the abandonment or destruction of a detained vessel, the master and crew, together with the negroes and papers found on board, and one copy of the sworn certificate, mentioned in the preceding paragraph of this article, shall be sent and delivered to the proper mixed court of justice at the earliest possible moment.

The undersigned Plenipotentiaries have agreed, in conformity with the XIth article of the treaty signed by them on this day, that the present instructions shall be annexed to the said treaty, and be considered an integral part thereof.

Done at Washington, the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

(L.S.)
(L.S.)

LYONS.
WILLIAM H. SEWARD.

Annex (B) to the Treaty between Great Britain and the United States of America, for the Abolition of the African Slave Trade, signed at Washington on the 7th day of April, 1862.

Regulations for the Mixed Courts of Justice.

ARTICLE I.

The mixed courts of justice to be established under the provisions of the treaty, of which these regulations are declared to be an integral part, shall be composed in the following manner:—

The two high contracting parties shall each name a judge and an arbitrator, who shall be authorized to hear and to decide, without appeal, all cases of capture or detention of vessels which, in pursuance of the stipulations of the aforesaid treaty, shall be brought before them.

The judges and the arbitrators shall, before they enter upon the duties of their office, respectively make oath before the principal Magistrate of the place in which such Courts shall respectively reside, that they will judge fairly and faithfully—that they will have no preference either for claimant or for captor—and that they will act in all their decisions in pursuance of the stipulations of the aforesaid treaty.

There shall be attached to each of such courts a secretary or registrar, who shall be appointed by the party in whose territories such court shall reside.

Such secretary or registrar shall register all the acts of the court to which he is appointed; and shall, before he enters upon his office, make oath before the court, that he will conduct himself with due respect for its authority, and will act with fidelity and impartiality in all matters relating to his office.

The salaries of the judges and arbitrators shall be paid by the Governments by whom they are appointed.

The salary of the secretaries or registrars of the two courts to be established in the territories of Great Britain shall be paid by Her Britannic Majesty; and that of the secretary or registrar of the court to be established in the territories of the United States shall be paid by the United States' Government.

Each of the two Governments shall defray half of the aggregate amount of the other expenses of such courts.

ARTICLE II.

The expenses incurred by the officer charged with the reception, maintenance, and care of the detained vessel, negroes, and cargo, and with the execution of the sentence, and all disbursements occasioned by bringing a vessel to adjudication, shall, in case of condemnation, be defrayed from the funds arising out of the sale of the materials of the vessel, after the vessel shall have been broken up, of the ship's stores, and of such parts of the cargo as shall consist of merchandize. And in case the proceeds arising out of this sale should not prove sufficient to defray such expenses, the deficiency shall be made good by the Government of the country within whose territories the adjudication shall have taken place.

If the detained vessel shall be released, the expenses occasioned by bringing her to adjudication shall be defrayed by the captor, except in the cases specified and otherwise provided for under article VII. of the treaty to which these regulations form an annex, and under article VII. of these regulations.

ARTICLE III.

The mixed courts of justice are to decide upon the legality of the detention of such vessels as the cruisers of either nation shall detain, in pursuance of the said treaty.

The said courts shall adjudge definitively and without appeal, all questions which shall arise out of the capture and detention of such vessels.

The proceedings of the courts shall take place as summarily as possible; and for this purpose the courts are required to decide each case, as far as may be practicable, within the space of twenty days, to be dated from the day on which the detained vessel shall have been brought into the port where the deciding court shall reside.

The final sentence shall not, in any case, be delayed beyond the period of two months, either on account of the absence of witnesses, or for any other cause, except upon the application of any of the parties interested; but in that case, upon such party or parties giving satisfactory security that they will take upon themselves the expense and risks of the delay the courts may, at their discretion, grant an additional delay, not exceeding four months.

Either party shall be allowed to employ such counsel as he may think fit, to assist him in the conduct of his cause.

All the acts and essential parts of the proceedings of the said courts shall be committed to writing and be placed upon record.

ARTICLE IV.

The form of the process, or mode of proceeding to judgment, shall be as follows:—

The Judges appointed by the two Governments, respectively, shall in the first place proceed to examine the papers of the detained vessel, and shall take the depositions of the master or commander, and of two or three, at least, of the principal individuals on board of such vessel; and shall also take the declaration on oath of the captor, if it should appear to them necessary to do so, in order to judge and to pronounce whether the

the said vessel has been justly detained or not, according to the stipulations of the aforesaid treaty, and in order that, according to such judgment, the vessel may be condemned or released. In the event of the two Judges not agreeing as to the sentence which they ought to pronounce in any case brought before them, whether with respect to the legality of the detention, or the liability of the vessel to condemnation, or as to the indemnification to be allowed, or as to any other question which may arise out of the said capture; or in case any difference of opinion should arise between them as to the mode of proceeding in the said court, they shall draw by lot the name of one of the two arbitrators so appointed as aforesaid, which arbitrator, after having considered the proceedings which have taken place, shall consult with the two Judges on the case; and the final sentence or decision shall be pronounced conformably to the opinion of the majority of the three.

ARTICLE V.

If the detained vessel shall be restored by the sentence of the court, the vessel and the cargo, in the state in which they shall then be found (with the exception of the negroes found on board, if such negroes shall have been previously disembarked under the provisions of articles IV. and V. of the instructions annexed to the treaty of this date), shall forthwith be given up to the master, or to the person who represents him: and such master or other person may, before the same court, claim a valuation of the damages which he may have a right to demand. The captor himself, and in his default his Government, shall remain responsible for the damages to which the master of such vessel, or the owners either of the vessel or of her cargo, may be pronounced to be entitled.

The two high contracting parties bind themselves to pay, within the term of a year from the date of the sentence, the costs and damages which may be awarded by the court; it being mutually agreed, that such costs and damages shall be paid by the Government of the country of which the captor shall be a subject.

ARTICLE VI.

If the detained vessel shall be condemned, she shall be declared lawful prize, together with her cargo, of whatever description it may be, with the exception of the negroes who shall have been brought on board for the purpose of trade; and the said vessel, subject to the stipulations in the eighth article of the treaty of this date, shall, as well as her cargo, be sold by public sale for the profit of the two Governments, subject to the payment of the expenses hereinafter mentioned.

The negroes who may not previously have been disembarked, shall receive from the court a certificate of emancipation, and shall be delivered over to the Government to whom the cruiser which made the capture belongs, in order to be forthwith set at liberty.

ARTICLE VII.

The mixed courts of justice shall also take cognizance of, and shall decide definitively and without appeal, all claims for compensation on account of losses occasioned to vessels and cargoes which shall have been detained under the provisions of this treaty, but which shall not have been condemned as legal prize by the said courts; and in all cases wherein restitution of such vessels and cargoes shall be decreed, save as mentioned in the seventh article of the treaty to which these regulations form an annex, and in a subsequent part of these regulations, the court shall award to the claimant or claimants, or to his or their lawful attorney or attorneys, for his or their use, a just and complete indemnification for all costs of suit, and for all losses and damages which the owner or owners may have actually sustained by such capture and detention: and it is agreed that the indemnification shall be as follows:—

First.—In case of total loss, the claimant or claimants shall be indemnified,—

- (A.) For the ship, her tackle, equipment, and stores.
- (B.) For all freights due and payable.
- (C.) For the value of the cargo of merchandize, if any, deducting all charges and expenses which would have been payable upon the sale of such cargo, including commission of sale.
- (D.) For all other regular charges, in such case, of total loss.

Secondly.—In all other cases (save as hereinafter mentioned) not of total loss, the claimant or claimants shall be indemnified,—

- (A.) For all special damages and expenses occasioned to the ship by the detention, and for loss of freight, when due or payable.
- (B.) For demurrage, when due, according to the schedule annexed to the present article.
- (C.) For any deterioration of the cargo.
- (D.) For all premium of insurance on additional risks.

The claimant or claimants shall be entitled to interest at the rate of 5 (five) per cent. per annum on the sum awarded, until such sum is paid by the Government to which the capturing ship belongs. The whole amount of such indemnifications shall be calculated in the money of the country to which the detained vessel belongs, and shall be liquidated at the exchange current at the time of the award.

The two high contracting parties, however, have agreed, that if it shall be proved to the satisfaction of the Judges of the two nations, and without having recourse to the decision

decision of an arbitrator, that the captor has been led into error by the fault of the master or commander of the detained vessel, the detained vessel, in that case, shall not have the right of receiving, for the time of her detention, the demurrage stipulated by the present article, nor any other compensation for losses, damages, or expenses consequent upon such detention.

Schedule of demurrage, or daily allowance, for a vessel of—

100 tons to	120 inclusive,	£5 per diem.
121	150	6
151	170	8
171	200	10
201	220	11
221	250	12
251	270	14
271	300	15

and so on in proportion.

ARTICLE VIII.

Neither the Judges nor the arbitrators, nor the secretaries or registrars of the mixed courts of justice, shall demand or receive from any of the parties concerned in the cases which shall be brought before such courts, any emolument or gift, under any pretext whatsoever, for the performance of the duties which such Judges, arbitrators, and secretaries or registrars have to perform.

ARTICLE IX.

The two high contracting parties have agreed that, in the event of the death, sickness, absence on leave, or any other legal impediment, of one or more of the Judges or arbitrators composing the above-mentioned courts respectively, the post of such Judge or arbitrator shall be supplied, *ad interim*, in the following manner:—

First. On the part of Her Britannic Majesty, and in those Courts which shall sit within the possessions of Her said Majesty:—If the vacancy be that of the British Judge, his place shall be filled by the British Arbitrator; and either in that case, or in case the vacancy be originally that of the British Arbitrator, the place of such Arbitrator shall be filled by the Governor or Lieutenant-Governor resident in such possession; in his unavoidable absence, by the principal Magistrate of the same; or in the unavoidable absence of the principal Magistrate, by the Secretary of the Government; and the said Court, so constituted as above, shall sit, and in all cases brought before it for adjudication shall proceed to adjudge the same, and to pass sentence accordingly.

Secondly. On the part of Great Britain, and in that Court which shall sit within the territories of the United States of America:—If the vacancy be that of the British Judge, his place shall be filled by the British Arbitrator; and either in that case, or in case the vacancy be originally that of the British Arbitrator, his place shall be filled by the British Consul, or in the unavoidable absence of the Consul, by the British Vice-Consul; and in case the vacancy be both of the British Judge and of the British Arbitrator, then the vacancy of the British Judge shall be filled by the British Consul, and that of the British Arbitrator by the British Vice-Consul. But if there be no British Consul or Vice-Consul to fill the place of British Arbitrator, then the United States' Arbitrator shall be called in, in those cases in which the British Arbitrator would be called in; and in case the vacancy be both of the British Judge and of the British Arbitrator, and there be neither British Consul or Vice-Consul to fill, *ad interim*, the vacancies, then the United States' Judge and Arbitrator shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

Thirdly. On the part of the United States, and in that Court which shall sit within their territories:—If the vacancy be that of the United States' Judge, his place shall be filled by the United States' Arbitrator; and either in that case, or in case the vacancy be originally that of the United States' Arbitrator, the place of such Arbitrator shall be filled by the Judge of the United States for the Southern District of New York; and the said Court, so constituted as above, shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

Fourthly. On the part of the United States of America, and in those Courts which shall sit within the possessions of Her Britannic Majesty:—If the vacancy be that of the United States' Judge, his place shall be filled by the United States' Arbitrator; and either in that case, or in case the vacancy be originally that of the United States' Arbitrator, his place shall be filled by the United States' Consul, or in the unavoidable absence of the Consul, by the United States' Vice-Consul. In case the vacancy be both of the United States' Judge and of the United States' Arbitrator, then the vacancy of the Judge shall be filled by the United States' Consul, and that of the United States' Arbitrator by the United States' Vice-Consul. But if there be no United States' Consul or Vice-Consul to fill the place of the United States' Arbitrator, then the British Arbitrator shall be called in, in those cases in which the United States' Arbitrator would be called in; and in case the vacancy be both of the United States' Judge and of the United States' Arbitrator, and there be neither United States' Consul nor Vice-Consul to fill, *ad interim*, the vacancies, then the British Judge and the British Arbitrator shall sit, and in all cases brought before them for adjudication shall proceed to adjudge the same, and pass sentence accordingly.

The

The chief authority of the place in the territories of either high contracting party where the mixed courts of justice shall sit, shall, in the event of a vacancy arising, either of the Judge or the arbitrator of the other high contracting party, forthwith give notice of the same, by the most expeditious method in his power, to the Government of that other high contracting party, in order that such vacancy may be supplied at the earliest possible period. And each of the high contracting parties agrees to supply definitively, as soon as possible, the vacancies which may arise in the above-mentioned courts from death, or from any other cause whatever.

The undersigned Plenipotentiaries have agreed, in conformity with the XIth article of the treaty signed by them on this day, that the preceding regulations shall be annexed to the said treaty, and considered an integral part thereof.

Done at Washington, the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-two.

(L.S.) LYONS.
(L.S.) WILLIAM H. SEWARD.

ADDITIONAL ARTICLE to the Treaty signed at Washington, April 7, 1862, between Her Britannic Majesty and the United States of America for the Suppression of the African Slave Trade.

Signed at Washington, February 17, 1863.

[*Ratifications exchanged at London, April 1, 1863.*]

WHEREAS by the first article of the treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, for the suppression of the African Slave Trade, signed at Washington on the 7th of April, 1862, it was stipulated and agreed that those ships of the respective navies of the two high contracting parties which shall be provided with special instructions for that purpose, as thereafter mentioned, may visit such merchant-vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the African Slave Trade, or of having been fitted out for that purpose, or of having, during the voyage on which they are met by the said cruisers, been engaged in the African Slave Trade contrary to the provisions of the said treaty; and that such cruisers may detain and send or carry away such vessels in order that they may be brought to trial in the manner thereafter agreed upon: And whereas it was by the said article further stipulated and agreed, that the reciprocal right of search and detention should be exercised only within the distance of two hundred miles from the coast of Africa, and to the southward of the thirty-second parallel of north latitude, and within thirty leagues from the coast of the Island of Cuba: And whereas the two high contracting parties are desirous of rendering the said treaty still more efficacious for its purpose;—the Plenipotentiaries who signed the said treaty have, in virtue of their full powers, agreed that the reciprocal right of visit and detention, as defined in the article aforesaid, may be exercised also within thirty leagues of the Island of Madagascar, within thirty leagues of the Island of Puerto Rico, and within thirty leagues of the Island of San Domingo.

The present additional article shall have the same force and validity as if it had been inserted word for word in the treaty concluded between the two high contracting parties on the 7th of April, 1862, and shall have the same duration as that treaty. It shall be ratified, and the ratifications shall be exchanged at London in six months from this date, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at Washington, the 17th day of February, in the year of our Lord one thousand eight hundred and sixty-three.

(L.S.) LYONS.
(L.S.) WILLIAM H. SEWARD.

1863.

NEW SOUTH WALES.

AFRICAN SLAVE TRADE SUPPRESSION.

(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.
(Circular.)

Downing-street,
22 September, 1863.

SIR,

With reference to my circular despatch of the 10th July last, I transmit to you, for your information, a copy of an Act passed in the recent Session of the Imperial Parliament, entitled "*An Act to carry into effect an additional Article to the Treaty of the seventh day of April one thousand eight hundred and sixty-two between Her Majesty and the United States of America for the suppression of the African Slave Trade.*"

I have, &c.,
NEWCASTLE.

[Enclosure.]

ANNO VICESIMO SEXTO ET VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

CAP. XXXIV.

An Act to carry into effect an additional Article to the Treaty of the seventh day of April one thousand eight hundred and sixty-two between Her Majesty and the United States of America for the suppression of the African Slave Trade. [29th June 1863.]

WHEREAS on the seventh day of April in the year of our Lord one thousand eight hundred and sixty-two a treaty was concluded and signed at Washington between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America for the suppression of the African Slave Trade And whereas by the first article of such treaty it was stipulated and agreed that those ships of the respective navies of the two high contracting parties which shall be provided with special instructions for that purpose as thereafter mentioned may visit such merchant vessels of the two nations as may upon reasonable grounds be suspected of being engaged in the African Slave Trade or of having been fitted out for that purpose or of having during the voyage on which they are met by the said cruisers been engaged in the African Slave Trade contrary to the provisions of the said treaty and that such cruisers may detain and send or carry away such vessels in order that they may be brought to trial in the manner thereafter agreed upon And whereas it was by the said article further stipulated and agreed that the reciprocal right of search and detention should be exercised only within the distance of two hundred miles from the Coast of Africa and to the southward of the thirty-second parallel of north latitude and within thirty leagues from the Coast of the Island of Cuba And whereas the two high contracting parties have agreed that the reciprocal right of visit and detention as defined in the article aforesaid may be exercised also within thirty leagues of the Island of Madagascar within thirty leagues of the Island of Puerto Rico and within thirty leagues of the Island of San Domingo And whereas the high contracting parties have further agreed that the present additional article shall have the same force and validity as if it had been inserted word for word in the treaty concluded between the two high contracting parties of the seventh of April one thousand eight hundred and sixty-two and shall have the same duration as that treaty and that it shall be ratified and the ratifications shall be exchanged at London in six months from this date or sooner if possible In witness whereof the respective Plenipotentiaries have signed the same and have thereunto affixed the Seal of their Arms Done at Washington the seventeenth day of February in the year of our Lord one thousand eight hundred and sixty-three.

(L.S.) LYONS.
(L.S.) WILLIAM H. SEWARD.

And whereas ratifications were exchanged at London on the first day of April one thousand eight hundred and sixty-three And whereas it is expedient that provision should be made for giving effect to the present additional article Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :

Where right of search may be exercised.

Additional article to have the same force &c. as the treaty.

This and Acts of 1862 to be read as one.

Short title.

1. The reciprocal right of search and detention as defined in the first article of the said treaty may be exercised also within thirty leagues of the Island of Madagascar within thirty leagues of the Island of Puerto Rico and within thirty leagues of the Island of San Domingo.

2. The present additional article shall have the same force and validity as if it had been inserted in the treaty concluded between the two high contracting parties on the seventh of April one thousand eight hundred and sixty-two and shall have the same duration as that treaty.

3. This Act and the African Slave Trade Treaty Acts Nos. 1 and 2 1862 shall be read and construed as one Act.

4. This Act may for all purposes be cited as the "African Slave Trade Treaty Act 1863."

1863.

NEW SOUTH WALES.

TRANSPORTATION.

(DESPATCH IN REPLY TO ADDRESS OF DELEGATES FROM AUSTRALIAN COLONIES ADOPTED IN CONFERENCE.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART., K.C.B.

(No. 55.)

Downing-street,

20 July, 1863.

SIR,

I have the honor to acknowledge the receipt of your Despatch, No. 29, of the 21st of April, forwarding a Petition to the Queen, which has been adopted by the Delegates assembled at the Intercolonial Conference recently held at Melbourne, deprecating Transportation to any part of Australia.

I have to inform you that I duly laid this Petition at the foot of the Throne.

Her Majesty has commanded me to assure the Delegates by whom it is signed, that it forms no part of the plans which are at present under the consideration of Her Majesty's Government, on the subject of secondary punishment, to establish a new penal settlement, or to send convicts to any part of Australia, except the single Colony situated at a distance from all others, to which for several years convicts have been sent, with the free consent of its inhabitants.

I have, &c.,

NEWCASTLE.

1863-4.

NEW SOUTH WALES.

TRANSPORTATION AND PENAL SERVITUDE.

(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.

Downing-street,
26 January, 1864.

SIR,

It has become my duty to convey to you the decision at which Her Majesty's Government have arrived with respect to the Report of the Royal Commission appointed to inquire into the operation of the Acts relating to Transportation and Penal Servitude.

That Report has received from Her Majesty's Government the full and respectful consideration to which the distinguished position, the great ability, and the high character of the Commissioners entitled it.

Of the general value of recommendations proceeding (almost unanimously) from such a body of public men, and founded upon a long and laborious inquiry, it is not for me to speak. I have only to deal with those which refer to the question of Transportation, and they may be shortly stated as follows:—

The Commissioners do not advise the establishment of any new penal Colony. They recommend that all male convicts, who are not disqualified for useful labour in a Colony, should, during the latter part of their punishment, be sent to Western Australia. And they reckon that the number available for that purpose, in case their other recommendation as to lengthening sentences of penal servitude were adopted, would not exceed 1,500 annually, and might not amount to nearly so many.

It would be unfair to the Commissioners to suppose that this proposal, which has excited so much alarm in the eastern Colonies of Australia, was made by them in the interests of the Mother Country alone. On the contrary, they received the strongest evidence as to the almost unanimous desire of the free inhabitants of Western Australia to receive an increased supply of convict labour, as well as of the singular adaptation of that settlement for its reception; while they were convinced, by testimony which appeared to them sufficient, that there was no reason to fear any considerable escape or migration of convicts or ex-convicts to the other Colonies, and no danger therefore of an increased transportation to one Colony doing substantial injury to the others.

It is not needful for me to discuss the number of the convicts who may have made their way to Melbourne or other Ports, nor the degree to which it would be hereafter possible to absorb or retain a much larger convict and ex-convict population within the limits of Western Australia. It is enough for me to inform you, that Her Majesty's Government have taken into careful consideration the addresses which have reached the Queen from the Eastern Colonies, which from their origin, their earnestness, and their loyalty, they recognize as representing not only the numbers but also the property, the intelligence, and the character of those communities, and as expressing not mere popular prejudice, but deep feelings and moral convictions.

They desire indeed distinctly to guard themselves against giving any apparent sanction to the doctrine which might seem to be involved in these remonstrances, that the settlers in certain portions of a vast territory belonging to the Crown, have any general right to dictate what shall or shall not be done throughout the whole of it.

But they are equally anxious, so far as their duty to the Mother Country and the Colony directly interested, will permit, to consult the interests and wishes of Her Majesty's Australian subjects.

They have determined therefore, differing with regret upon this important subject from the Royal Commissioners, not to adopt their recommendation with respect to Transportation to Western Australia. Upon the other hand, they are not prepared to comply with the desire of some of the addresses which have been received, that Transportation to that Colony should be at once and altogether discontinued.

Such a change could not be made with justice to those who have reasonably calculated upon a continuance of the policy under which Her Majesty's Government, some years ago, began to supply them with convicts. It has, however, been determined to send no more convicts to Western Australia, than the limited number which has in practice been going there of late. They go by ship-loads, and it would be impossible therefore to specify, with exactness, the number which would be sent under this arrangement. I may state, however, that two convict ships, containing about 270 or 280 prisoners each, have been usually dispatched in each year to Western Australia, and that the number will not be increased. I have also to inform you that Her Majesty's Government have decided to put an end to the system of "Conditional Pardons," so that in future no convict will be entitled, or it is to be hoped, permitted, to leave the Penal Colony before the expiration of his original sentence. This rule will be applied to all convicts sent from this country from and after the beginning of the present year.

In conclusion I have to express my earnest hope, and that of my colleagues, that the spirit in which the representations of the Australian Colonists, upon a subject in which their desires might seem to be opposed to the interests of the people of this country, has been met by Her Majesty's Government, may tend to draw more closely than ever the bonds of loyalty and good will, which unite them to the Crown and the Empire.

I have, &c.,
NEWCASTLE.

1863-4.

NEW SOUTH WALES.

VESSELS EQUIPPED AS VESSELS OF WAR.
(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.
(Circular.)*Downing-street,*
19 January, 1864.

SIR,

I transmit to you herewith a copy of a letter from the Foreign Office, 11 January, 1864, calling my attention to the fact that it appears from accounts received from China that, in consequence of the disagreement between Captain Sherard Osborn and the Chinese Government, the vessels which that officer purchased and equipped as vessels of war in this country, for the service of the Emperor of China, were about to be sent to India and to this country for sale.

As these vessels are understood to be fully equipped for belligerent purposes, I have to request that, in the event of any of them making their appearance within the limits of your Government, you will, with the advice of your Law Officers, take any measures which may be legally within your power, for preventing them from passing, in their present condition, into the hands of any Power or State engaged in hostility with another Power or State in amity with Her Majesty.

You are probably aware that a Judgment has been recently delivered by the Court of the Exchequer in the case of the "Alexandra," which has a material bearing upon questions of this kind. It is reported at great length in the *London Times* of the 12th instant.

I have, &c.,
NEWCASTLE.

MR. E. HAMMOND to SIR F. ROGERS, BART.

Foreign Office,
11 January, 1864.

SIR,

I am directed by Earl Russell to request that you will acquaint the Duke of Newcastle that it appears from the accounts received from China that, in consequence of some disagreement between Captain Sherard Osborn and the Chinese Government, the vessels which that officer purchased and equipped as vessels of war in this country, for the service of the Emperor of China, were about to be sent, some to India and some to England, to be disposed of by sale.

These vessels are understood to be fully equipped for belligerent purposes, and Her Majesty's Government are of opinion that it is incumbent upon them to take any precaution that may legally be within their power to prevent them from passing, in their present state, into the hands of any Power or State engaged in hostility with another Power or State in amity with Her Majesty.

Her Majesty's Government would therefore desire that the attention of the Naval, Colonial, and Indian authorities, both at Home and on any station abroad, within Her Majesty's Dominions, where the vessels may be expected to be met with, should be called to the necessity of taking such measures as may legally be within their power in furtherance of the views of Her Majesty's Government.

I am, &c.,
E. HAMMOND.

P.S.—A letter to the same effect has been written to the Admiralty and India Office.

1863.

NEW SOUTH WALES.

CERTAIN ACTS OF COLONIAL LEGISLATURES.
(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.

(Circular.)

Downing-street,

21 September, 1863.

SIR,

I enclose for your information a copy of an Act passed in the last Session of the Imperial Parliament, entitled, "*An Act to confirm certain Acts of Colonial Legislatures.*"

The object of this Act will be found fully explained in the recital.

I have, &c.,

NEWCASTLE.

[Enclosure.]

ANNO VICESIMO SEXTO ET VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

CAP. LXXXIV.

An Act to confirm certain Acts of Colonial Legislatures. [28th July, 1863.]

WHEREAS doubts are entertained respecting the validity of divers Acts passed by the Legislature of South Australia for the purpose of altering the constitution of the Legislative Council and House of Assembly of the said Colony and respecting the power of Colonial Legislatures to make laws for the above purpose and it is expedient to remove such doubts Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

1. In this Act of Parliament the term "Colonial Legislature" shall mean the authority (other than Her Majesty in Council) competent to make laws for any of Her Majesty's Possessions abroad except India the Channel Islands and the Isle of Man. As to terms "Colonial Legislature" and "Governor."

The term "Governor" shall mean the officer lawfully administering the Government of any Colony.

2. All laws heretofore passed or purporting to have been passed by any Colonial Legislature with the object of declaring or altering the constitution of such Legislature or of any branch thereof or the mode of appointing or electing the members of the same shall have and be deemed to have had from the date at which the same shall have received the assent of Her Majesty or of the Governor of the Colony on behalf of Her Majesty the same force and effect for all purposes whatever as if the said Legislature had possessed full powers of enacting laws for the objects aforesaid and as if all formalities and conditions by Act of Parliament or otherwise prescribed in respect of the passing of such laws had been duly observed. Confirmation of certain Acts of Colonial Legislatures.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

APPEALS TO PRIVY COUNCIL.
(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 25 September, 1863.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 31 July, 1863, That there be laid upon the Table of this House,—

“ A Nominal Return of the Cases in which, during the last
“ seven years, Appeals have been allowed by the Supreme
“ Court to the Privy Council ; the Appeals prosecuted ; and
“ the Cases in which the decision of the Supreme Court has
“ been maintained.”

(Mr. Burdekin.)

APPEALS TO PRIVY COUNCIL.

RETURN of Appeals from the Supreme Court to Her Majesty in Council, in and since 1856.

IN EQUITY.

YEAR.	Name of Cause.	Judgment affirmed, reversed, or varied.	Observations.
1857	Towns <i>v.</i> Wentworth...	Partly affirmed ...	On main question affirmed. On one point reversed.
1858	Mackenzie <i>v.</i> Jones ...	Reversed	Judgment of Supreme Court by majority only. The Privy Council thought that an "issue" ought to have been directed.
1859	Gordon <i>v.</i> Scott.....	Reversed with an addition.	Same. The case was decided on a question of fact.
1860	Terry <i>v.</i> Hosking	Reversed	Same. This was a second appeal; in the first of which the judgment of the Supreme Court was affirmed. The present was as to the reviewing of the former decision, on the discovery of fresh evidence.
1861	Purves <i>v.</i> Lang	Reversed	Same. The Privy Council held that the claim was barred by acquiesce.
1861	Poer <i>v.</i> Hillas	Affirmed with an inquiry.	In this case the judgment of the Supreme Court was unanimous.
1863	Osborne <i>v.</i> Eales	Affirmed.....	Same. Judgment wholly sustained.

THE following Equity Appeals are still undisposed of:—

1861.....	Vivers <i>v.</i> Tuck	}	Steps taken in these not known.
1861.....	Cooper <i>v.</i> Hellyer.....		
1863.....	Dean <i>v.</i> Byrnes.		
1863.....	Moore <i>v.</i> Hyland.		
1863.....	Broughton <i>v.</i> Barker.		

RETURN of Appeals from the Supreme Court to Her Majesty in Council, in and since 1856.

AT COMMON LAW.

YEAR.	Name of Cause.	Judgment affirmed, reversed, or varied.	Observations.
1856	Lord <i>v.</i> City Commissioners.	Reversed	Certain land had been granted, described as "bounded by a creek." The Supreme Court held that the whole of such creek, and therefore the water in it, were excluded. The Privy Council decided that the grant extended to the centre of the creek. They held also that the claim to the water had not been relinquished.
1857	Kirchner <i>v.</i> How	Affirmed.....	The Court of Common Pleas had decided differently. On a second appeal the Privy Council nevertheless adhered to their first judgment, sustaining that of the Supreme Court.

APPEALS TO PRIVY COUNCIL.

3

RETURN of Appeals, &c., at Common Law—*Continued.*

YEAR.	Name of Cause.	Judgment affirmed, reversed, or varied.	Observations.
1857	Kirchner <i>v.</i> Venus ...	Reversed	Questions arising on a bill of lading. The Privy Council directed a new trial on the ground that the usage relied on for the defendant did not affect the indorsee of the bill of lading.
1858	Devine <i>v.</i> Holloway ...	Affirmed.....	A case depending on the construction of the Statute of Limitations.
1860	Nowland <i>v.</i> Humphrey	Reversed	The Supreme Court deferring to the verdict of the jury, although not approving of it, refused to grant a new trial. The Privy Council concurring in that disapproval, directed a new trial.
1860	Hogan <i>v.</i> Hand	Reversed	The respondent in this case did not appear, and the reversal was without costs. It involved questions as to the determination of a tenancy at will, and the time of commencement of the right of entry.
1861	Bank of Australasia <i>v.</i> Harris.	Affirmed.....	.....
1861	Byrnes <i>v.</i> Williams ...	Reversed	The judgment of the Supreme Court was not unanimous.

THE following Common Law Appeals are still undisposed of :—

- 1861..... Dumaresq *v.* Robertson.
- 1862..... Graham *v.* Berry.
- 1863..... Morris *v.* Flower.
- 1863..... Mackenzie *v.* Barker.
- 1863..... Molison and another *v.* Cecil.

THE following Common Law Appeals have been abandoned, or not prosecuted :—

- 1857..... Mortimer *v.* Mort.
- 1858..... M'Dougall *v.* Humphery.
- 1858..... M'Farlane *v.* Murnin.
- 1858..... Devine *v.* Wilson and others.
- 1858..... Smith *v.* Toogood.
- 1859..... Nicholson *v.* Healey.
- 1859..... Williamson *v.* Marine Assurance Company.
- 1859..... Stuart *v.* Mitchell.
- 1859..... Corcoran *v.* Derwent and Tamar Assurance Company.
- 1860..... Nichols *v.* Liverpool and London Assurance Company.
- 1860..... Stockdale *v.* Wilson.
- 1860..... Want *v.* Mayor and Corporation of Sydney.
- 1860..... Simmons *v.* Brierly.
- 1860..... Stuart *v.* Mitchell.
- 1860..... Siemsen *v.* Manning.
- 1860..... Mackenzie *v.* Smith.
- 1860..... Higgins *v.* Single.
- 1860..... Lloyd *v.* Wallach.
- 1861..... Rusden *v.* Weekes.
- 1861..... Cameron *v.* Hay.
- 1861..... *Ex parte* Moffat.

D. B. HUTCHINSON,
Prothonotary.

1863.

NEW SOUTH WALES.

ROYAL SYDNEY YACHT SQUADRON.
(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.
(No. 37.) *Downing-street,*
27 April, 1863.

SIR,
I beg to enclose, for your information, copies of the correspondence which has passed in reference to the communication sent Home in your despatch, No. 114, of the 17th December, from the Commodore and Vice-Commodore of the Australian Yacht Club, the members of which are desirous of obtaining the patronage of His Royal Highness the Prince of Wales, and of enjoying the same privileges as are accorded to the Royal Yacht Clubs of the United Kingdom. C. O. to Admiralty, 31 March, 1863. Admiralty, 6 April, 1863. C. O. to General Knollys, 31 March, 1863. General Knollys, 14 April, 1863.

I felt some difficulty in submitting to His Royal Highness the proposal that the Club should be named the "Royal Australian Yacht Club," because it was pointed out to me that there was nothing to shew that the Club extended beyond New South Wales, and that other Colonies might feel aggrieved if the general term, "Australian," were appropriated by Royal authority to an institution in which they had no part.

You will perceive, however, that His Royal Highness has signified his willingness to become the patron of the "squadron," under the designation of the "Royal Sydney Yacht Squadron," and that the Lords Commissioners of the Admiralty are prepared to authorize the use of the blue ensign by the squadron, as requested. I must also call your attention to the particulars relating to each yacht required by the Lords Commissioners of the Admiralty, as specified in their letter of the 6th instant.

I have, &c.,
NEWCASTLE.

P.S.—Since writing the above, I have received the warrant, signed by the Lords Commissioners of the Admiralty, authorizing the use of the "blue ensign" of Her Majesty's Fleet, and forward it herewith.

[Enclosures in the foregoing.]

Downing-street,
31 March, 1863.

Sir,
I am directed by the Duke of Newcastle to transmit to you, for the consideration of the Lords Commissioners of the Admiralty, a copy of a despatch from the Governor of New South Wales, enclosing an application from certain gentlemen who have recently formed a Yacht Club in that Colony. Gov., 114, 17 Dec., 1862.

It will be seen that these gentlemen are desirous of obtaining the patronage of His Royal Highness the Prince of Wales, and of being allowed to enjoy the same privileges as the Royal Yacht Clubs of the United Kingdom.

His Grace has submitted this despatch to His Royal Highness, for his favourable consideration, with a suggestion that the Club should be designated the "Royal Sydney Yacht Squadron."

I am to add, that His Grace trusts that their Lordships will have it in their power to accede to the wishes of the members of the Club, to fly either the white or blue ensign of Her Majesty's Fleet, without any distinguishing mark in it.

I am, &c.,
F. ROGERS.

The Secretary to the Admiralty.

Admiralty, 6 April, 1863.

Sir,
Having laid before my Lords Commissioners of the Admiralty your letter of the 31st ultimo, with its enclosures, from the Governor of New South Wales, transmitting an application from the members of the Australian Yacht Squadron, "for permission to fly either the white or blue ensign of Her Majesty's Fleet, without any distinguishing mark on the same," I am commanded by their Lordships

Lordships to acquaint you, for the information of His Grace the Duke of Newcastle, "that they have much pleasure in authorizing the use of the blue ensign, with the distinguishing mark of the Club "on the burgee only, by the Australian Yacht Squadron;" and they will issue their warrant accordingly, as soon as they have been informed by you whether the Club has received permission to adopt the designation of the "Royal Sydney Yacht Squadron."

I am also directed to inform you that, in addition to their Lordships' general warrant, it will be necessary that each yacht should be furnished with a separate warrant, for which purpose the following particulars must in each case be furnished:—

Name of Yacht Club, name of yacht, name of owner, how rigged, length in feet and inches, breadth in ditto ditto, tonnage (if under 15 tons it will be sufficient to state that such is the case), port of registry.

To Sir F. Rogers, Bart., Downing-street.

I am, &c.,
W. G. ROMAINE.

Downing-street,
31 March, 1863.

Sir,

I am directed by the Duke of Newcastle to request that you will submit, for the favourable consideration of His Royal Highness the Prince of Wales, the annexed copy of a despatch from the Governor of New South Wales, with a letter from certain gentlemen who are desirous of obtaining the patronage of His Royal Highness on behalf of a Yacht Club recently established in that Colony.

In the event of His Royal Highness acceding to this request, His Grace would propose that the designation of the Club should be the "Royal Sydney Yacht Squadron."

I am, &c.,
F. ROGERS.

Lieut. General Knollys.

Sandringham, 14 April, 1863.

Sir,

I have the honor to acknowledge the receipt of your letter of the 31st March, transmitting, by desire of the Duke of Newcastle, the copy of a despatch from the Governor of New South Wales, and transmitting a request, to be laid before his Royal Highness the Prince of Wales, from the "Australian Yacht Squadron," that he would be pleased to become the patron of the squadron.

His Royal Highness has directed me to reply that it will give him great pleasure to accede to the request; and that the squadron should be designated, in accordance with His Grace's recommendation,—"The Royal Sydney Yacht Squadron."

I have, &c.,
W. KNOLLYS,
Lieut.-General.

To Sir F. Rogers, Bart.,
Colonial Office, Downing-street.

Warrant referred to in the Postscript of the Duke of Newcastle's Despatch.

By the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, &c.

WHEREAS we deem it expedient that the vessels belonging to the Royal Sydney Yacht Squadron of Australia shall be permitted to wear the blue ensign of Her Majesty's Fleet, with the distinctive marks of the Club on the burgee; we do, by virtue of the power and authority vested in us, hereby warrant and authorize the blue ensign of Her Majesty's Fleet, with the distinctive marks of the Club on the burgee, to be worn on board the respective vessels belonging to the Royal Sydney Yacht Squadron accordingly.

Given under our hands, and the seal of the office of the Admiralty, this twenty-fifth day of April, 1863.

(L.S.) CHARLES EDEN.
CHARLES FREDERICK.

By command of their Lordships,
W. G. ROMAINE.

1863.

NEW SOUTH WALES.

REPRESENTATIVE AGENT RESIDENT IN LONDON.

Presented to both Houses of Parliament, by Command.

SCHEDULE.

NO.	PAGE.
1. Colonial Secretary to Edward Hamilton, Esquire, intimating the intention of Government to recommend to Parliament to make provision for the office of representative Agent for the Colony resident in London, and conditionally offering him the appointment; also stating generally the duties which would be expected from an Agent. 22 April, 1862	1
2. Mr. Hamilton to the Colonial Secretary, expressing his readiness to accept the office of Agent. 23 June, 1862	2
3. Under Secretary to the Under Secretary for Finance and Trade, notifying the arrangement proposed. 20 October, 1862.. .. .	2
4. Colonial Secretary to Mr. Hamilton, stating that his appointment will take effect from the 1st of January, 1863, and that requisitions will hereafter be sent at once to him, as the existing commercial Agency will terminate at the end of the year. 21 October, 1862 ..	3
5. Colonial Secretary to Mr. Hamilton, enclosing a Commission constituting and appointing him Agent. 21 November, 1862	3

No. 1.

COLONIAL SECRETARY to EDWARD HAMILTON, ESQ.

*Colonial Secretary's Office,
Sydney, New South Wales,
22 April, 1862.*

SIR,

I have the honor to acquaint you that the Government of this Colony has determined to recommend to Parliament, in the ensuing Session, that provision be made for the office of representative Agent, and that it is proposed to confer that office upon some gentleman intimately acquainted with the affairs of New South Wales, resident in London.

2. An arrangement of a commercial character only now exists with Messrs. Willis, Merry and Co., which will expire on the 31st December next; and the Colonial Treasurer, in accordance with what is understood to be the desire of the Assembly, is gradually reducing the amount of mercantile business to be transacted in London; so that, excepting railway purchases, which are mainly conducted by Captain Galton, and military equipments, which are also obtained through the intervention of Imperial departments, the commercial transactions will in future be comparatively small.

3. The Agent will be expected to attend to any such business, and to fulfil any other duties usually devolving upon such an officer; and he will be authorized to act on behalf of the Colony in any matter in which he may, in the exercise of his judgment, be of opinion that it is expedient he should do so. Parliament will be invited to grant a salary of £1,000 per annum, and, in addition, an allowance of £300 per annum for a Secretary, office rent, and contingencies.

4. Having entire confidence that you possess in a high degree the qualifications essential to the proper performance of the delicate and responsible duties devolving upon

such an officer, the Governor, with the advice of the Executive Council, is prepared to confer the appointment, if it be sanctioned, upon you; and I beg therefore to inquire, whether in that event you will accept it. The tact, ability, and zeal which you have repeatedly shown in undertaking to protect the interests of New South Wales, justify the belief that in your hands the Colony will be faithfully and effectually represented.

I have, &c.,
CHARLES COWPER.

No. 2.

EDWARD HAMILTON, ESQ., to COLONIAL SECRETARY.

5, Cannon-street, London, E.C.,
23 June, 1862.

SIR,

I have the honor to acknowledge the receipt of your letter of the 22nd April last, intimating to me that the Governor of New South Wales, with the advice of the Executive Council, is prepared to confer upon me the honorable appointment of representative Agent of the Colony.

In reply, I beg you to say that I accept the offer without hesitation; and I trust that my discharge of the important duties which will devolve upon me will be such as to justify the flattering opinion which you express of my qualifications for the office.

Until I have had some experience of the nature and extent of these duties it is impossible for me to say what the annual office expenses may amount to, but I do not think that the sum named, viz., £300 a year, will cover them. The rent of a suitable office in the city will not be less than £150; and I doubt whether any gentleman, qualified to act as sole Clerk or Secretary in a department conducting a very varied and important business, could be induced to take the appointment for a smaller salary than £200 or £250 a year. Within a few months of entering upon my duties I shall be able to furnish more definite information upon this subject; for the present I shall confine myself to an assurance that no unnecessary expense shall be incurred, and that my first arrangements shall be made on the basis settled in your letter.

As to my own salary, I think it ample and liberal, inasmuch as I am not precluded by the terms of the offer contained in your letter from attending to those engagements which at present occupy some portion of my leisure time.

I have, &c.,
EDWD. HAMILTON.

No. 3.

THE UNDER SECRETARY to UNDER SECRETARY FOR FINANCE AND TRADE.

Colonial Secretary's Office,
Sydney, 20 October, 1862.

SIR,

In anticipation of the passing of the vote for a Colonial Agent, I am directed by the Colonial Secretary to transmit to you an extract of a letter addressed to Mr. Hamilton, the gentleman to be appointed, on the 22nd of April last, containing an offer of the office, subject to the approval of Parliament, and to request that you will suggest to the Colonial Treasurer, that as the new arrangement should be brought into operation at the commencement of 1863, no further requisitions should be addressed to Messrs. Willis, Merry, and Co., but forwarded to Mr. Hamilton; and that the Departments of Lands and Public Works should be apprised that such demands as have usually been sent direct to the former should now be transmitted to the latter, with all necessary instructions to enable him to comply with them. Such funds as may be requisite to forward with requisitions, will of course be placed at the disposal of Mr. Hamilton, in the same way as heretofore at that of Messrs. Willis, Merry and Co.

A communication will be made to Mr. Hamilton by the present mail, apprising him, with reference to the letter of the 22nd April, that the proposed arrangement will take effect from the 1st of January, 1863; and that the Colonial Treasurer will furnish him with the necessary information for his guidance, in expending and accounting for money remitted to him, and in transacting any business of a commercial character in which his agency may be required.

I have, &c.,
W. ELYARD.

No. 4.

No. 4.

COLONIAL SECRETARY to EDWARD HAMILTON, ESQ.

*New South Wales,
Colonial Secretary's Office,
Sydney, 21 October, 1862.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 23rd of June last, intimating your acceptance of the offer made to you in my letter of the 22nd April, of the office of representative Agent of this Colony in London, for which you were apprised it was intended to invite the local Parliament to make provision.

2. As the Estimate for defraying the expense of this office will no doubt pass the Legislative Assembly in the present week, and the arrangement with Messrs. Willis, Merry and Co. for the transaction of any commercial business for the Colony in England will expire on the 31st of December next, I have to request that you will consider yourself as appointed from the 1st of January, 1863.

3. Messrs. Willis, Merry & Co. will of course complete any orders which may have been sent to them, but as any further requisitions could not reach London until near the termination of their engagement, I have suggested to the Colonial Treasurer that any which may be hereafter made should be forwarded at once to you, accompanied by such information as may be necessary for your guidance in complying with them and defraying the expense of the service. Requisitions of a special nature, such, for instance, as railway stock, will be transmitted to you direct by the Secretary for Works or other Minister, who will apprise you of the arrangement under which they should be provided; and remittances for the purpose will be made to you, either by them or by the Treasury.

4. With respect to the payment of your own salary, and the expenses of your office, a further communication will be made to you by the next mail.

I have, &c.,

CHARLES COWPER.

No. 5.

COLONIAL SECRETARY to EDWARD HAMILTON, ESQ.

*Colonial Secretary's Office,
Sydney, New South Wales,
21 November, 1862.*

SIR,

With reference to the second paragraph of my letter of the 21st ultimo, I have now the honor to inform you that the Legislative Assembly has since passed the estimate for a Representative Agent for New South Wales, resident in London, and I transmit to you herewith, a Commission which has been issued by His Excellency the Governor, with the advice of the Executive Council, under the Great Seal of the Colony, constituting and appointing you to this office.

2. The salary, and the allowance for the expenses of an office, will commence on the 1st of January, 1863; and I have requested the Colonial Treasurer to make arrangements with the Oriental Bank (the Financial Agents of the Colony,) for the payment of the same quarterly, or monthly, as you may desire.

I have, &c.,

CHARLES COWPER.

Dated 21 Nov.,
1862.

[Enclosure in No. 5.]

By 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 St. Michael and St. George, Captain-General and Governor-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.

To Edward Hamilton, Esq.,

Greeting,—

Know you that, having full confidence in your prudence, discretion, and integrity, I, the said Sir John Young, Governor of the Colony of New South Wales as aforesaid, have thought fit, with the advice of the Executive Council of the said Colony, to, and do hereby appoint you, the said Edward Hamilton, to be Representative Agent resident in London for the said Colony of New South Wales, to act under such instructions as you shall from time to time receive, and to transact such business as may be entrusted to you.

Given under my hand and the Seal of the Colony, at Government House, Sydney, in New South Wales aforesaid, this twenty-first day of November, in the year of our Lord one thousand eight hundred and sixty-two, and in the twenty-sixth year of Her Majesty's Reign.

(L.S.)

JOHN YOUNG.

By His Excellency's Command,

CHARLES COWPER.

1863.

NEW SOUTH WALES.

INTERCOLONIAL CONFERENCE.

(REPORT AND PROCEEDINGS OF.)

Presented to both Houses of Parliament, by Command.

REPORT of the Proceedings of the Intercolonial Conference, assembled in Melbourne, in the months of March and April, 1863.

THE suggestion that an Intercolonial Conference should be held—at which delegates from the various Colonies of New South Wales, Victoria, South Australia, Western Australia, Tasmania, and Queensland, should assemble, in order to consider the possibility of adopting a uniform tariff—was made by His Excellency Sir Dominic Daly, Governor of South Australia. Circumstances interfered to prevent the Conference from assembling until the present year, when representatives, duly appointed by their respective Governments, attended on behalf of all these Colonies, with the exception of Western Australia and Queensland. The reasons urged by those Colonies for not sending delegates are stated in the letters from the Colonial Secretary of Western Australia and the Principal Under Secretary of Queensland.

The delegates so appointed, and who appeared on behalf of their respective Governments, were :—

New South Wales—Honorable Charles Cowper, M.P., Colonial Secretary; Honorable Thomas W. Smart, Treasurer; E. C. Weekes, Esq., M.P.

Victoria—Honorable John O'Shanassy, M.L.A., Chief Secretary; Honorable William C. Haines, M.L.A., Treasurer; Honorable Robert S. Anderson, M.L.A., Commissioner of Trade and Customs.

South Australia—Honorable Arthur Blyth, M.P., Treasurer; Honorable Henry Ayers, M.L.C.; Lavington Glyde, Esq., M.P.

Tasmania—Honorable Charles Meredith, M.H.A., Treasurer; Honorable William Carter, M.L.C.; Adye Douglas, Esq., M.H.A.

The Executive Council Chamber, Melbourne, was appropriated by the Government of Victoria for the sittings of the Conference, and a preliminary meeting, at which all the delegates were present, was held there on Thursday, the 26th of March, when it was determined that the election of a Chairman was unnecessary, and that—as one of the main objects of the Conference would be defeated by premature publicity—the proceedings should not be open to the public, but that the results only should be communicated.

The first formal meeting took place on the following day, and the sittings extended to the 13th day of April.

The

The subjects discussed were—

- First—The Tariff and questions of a kindred character, including drawbacks and *ad valorem* duties.
- Secondly—Inland Intercolonial Customs Duties and their distribution.
- Thirdly—Transportation from the United Kingdom to the Australian Possessions.
- Fourthly—A permanent Immigration Fund; to be provided by Act by each Colony, upon an equitable basis.
- Fifthly—Improvement of internal Rivers in Australia for purposes of navigation and irrigation.
- Sixthly—Coast Light-houses, and other maritime questions affecting the shipping interest.
- Seventhly—Fortnightly Ocean Postal Communication.
- Eighthly—Anglo-Australian and China Telegraph.
- Ninthly—Legal Questions; including the law of bankruptcy, of patents, of joint stock companies, of probates and letters of administration, and a Court of Appeal for the Australian Colonies.
- Tenthly—A uniform system of Weights and Measures.

Upon these subjects the following resolutions were passed :—

1. On the Tariff and kindred subjects—

“ That this Conference deems it desirable to settle the basis of a uniform
“ tariff for the Australian Colonies, and also for Tasmania.

“ That the articles to be rendered subject to duties be now discussed.

“ That this Conference is of opinion that the *ad valorem* mode of levying
“ duties upon goods is open to so many objections that it ought not to be
“ resorted to.

“ That the following tariff be adopted by this Conference :—

“ Spirits, imported, 10s. per gallon. Wine, in wood, 2s. per gallon. Ditto,
“ in bottle, reputed quarts, 8s. per dozen. Ditto, ditto, ditto pints, 4s. ditto.
“ Ale, porter, and beer, in wood, 6d. per gallon. Ditto, ditto, ditto, in bottle,
“ reputed quarts, 1s. per dozen. Ale, porter, and beer, in bottle, reputed
“ pints, 6d. per dozen. Malt, 6d. per bushel. Hops, 3d. per lb. Tobacco,
“ manufactured, 2s. per lb. Ditto, unmanufactured, 1s. per lb. Ditto,
“ sheepwash, 3d. per lb. Cigars and snuff, 4s. per lb. Tea, 6d. per lb.
“ Sugar, refined, and candy, 7s. per cwt. Ditto, unrefined; 5s. 6d. per cwt.
“ Molasses and treacle, 3s. 6d. per cwt. Coffee, chicory, cocoa, and chocolate,
“ 3d. per lb. Opium, manufactured, 20s. per lb. Ditto, unmanufactured,
“ 10s. per lb. Rice, 4s. per cwt. Dried fruit, nuts, and almonds, 10s. per cwt
“ Candles, 1d. per lb. Oils, whether of natural or artificial origin, and fluids
“ used for burning or lighting purposes, 6d. per gallon. Salt, 40s. per ton.

“ That the members of this Conference undertake to urge upon their respective
“ Parliaments the adoption of such tariff.

“ That in the opinion of this Conference, the tariff which has been agreed
“ upon, after the fullest deliberation, ought not to be altered by any one
“ Colony, nor until after the proposed alteration shall have been considered
“ in a future Conference.

“ That drawbacks be allowed on the following articles, viz. :—Wines, hops,
“ tea, sugar, rice, coffee, chicory, cocoa, and chocolate. Left open—Ale,
“ beer, porter, candles, and oil.”

2. On Intercolonial Customs Duties and their distribution—

“ That in the opinion of this Conference, Customs duties ought to be paid to
“ the revenues of those Colonies by whose population the dutiable articles
“ are consumed.

“ That

“ That this Conference is of opinion that the Colonies of New South Wales, Victoria, and South Australia, ought to co-operate with each other to secure to each Colony the revenue to which it is legally entitled, either by the distribution of the Customs revenues collected by all at stated periods rateably, according to their population, or by some other mode which may be considered equitable and practicable.”

3. On Transportation—

“ That this Conference address Her Most Gracious Majesty the Queen, praying that transportation may not be established or continued in any portion of Her Majesty’s Australian Dependencies.

“ That a Committee, consisting of Messrs. Cowper, O’Shanassy, Meredith, and the Mover (Mr. Blyth), be appointed to prepare the Address.

“ That this Address be adopted, viz. :—(See page 8.)

“ That four copies of the Address be engrossed for transmission to Her Majesty, and that a copy be presented by the delegates of the several Colonies to each Governor, respectfully requesting that he will be pleased to transmit it.”

4. On Immigration—

“ That in the opinion of this Conference, it is of the highest importance to the prosperity and future greatness of Australia, that a healthy flow of immigration should be encouraged and promoted from the United Kingdom chiefly. And as permanent legal appropriation for the accomplishment of this object has been made already by some of the local Legislatures, by denoting a fixed proportion of the revenues derivable from the alienation of the public lands, it is but just, in pursuance of a common interest, that similar provisions should be made on an equitable basis, such as population and revenue, by all the Legislatures respectively.

“ That when such arrangements have been perfected, the decision already come to by this Conference in relation to any alteration in the tariff should apply with equal force and justice to any proposed alteration affecting the legal provision for promoting immigration, viz. :—That an Intercolonial Conference be called to consider the subject before any legislation is proposed by the respective Governments.”

5. On Improvements to the Rivers in the Interior—

“ That in the opinion of this Conference, the commerce, population, and wealth of Australia can be largely increased by rendering navigable and otherwise utilizing the great rivers of the interior, such as the Murray, Edward, Murrumbidgee, and Darling; and that the obligation of carrying into effect the necessary works to accomplish these objects devolves primarily upon the respective Governments having jurisdiction over such rivers.”

6. On Light-houses and Maritime subjects—

“ That this Conference is of opinion that legislative action should be taken by the Colonies here represented, for the following purposes :—

“ (1.) To prohibit any vessel proceeding to sea from any port in the Colonies which is not under command of a master holding a certificate of competency.

“ (2.) That certificates granted by competent authority in the United Kingdom, or in any of the Colonies aforesaid, to any person authorizing such person to hold the appointment of master, mate, or engineer of any vessel, be held to be in force within the said Colonies without further examination or the payment of additional fees.

“ (3.)

“(3.) That the qualifications and mode of conducting the examinations prescribed by the Board of Trade for masters, mates, and engineers, be adopted so far as practicable by the said Colonies.

“(4.) That a certificate granted by competent authority to any steam-vessel, authorizing such vessel to ply for a stated period, be held to be in force within all the said Colonies, without further survey or fee being required.

“(5.) That uniform provision be made in the said Colonies upon the following subjects:—*a.* Salvage. *b.* Buoyage, including tidal and bar harbour signals, and land and sea marks. *c.* The management of life-boats, and the preservation of persons from shipwreck.

“That in the opinion of this Conference, the system of maintaining coast light-houses, established in consequence of the Report of the Commission appointed in the year 1856, should be reconsidered; and that a joint Commission should be appointed, by united action on the part of the respective Governments of the Colonies represented at the Conference, to consider and report generally upon the entire subject.”

7. On Fortnightly Postal Communication with England—

“That in the opinion of this Conference, it is inexpedient to consider the proposal for the adoption of a fortnightly postal service with the United Kingdom by way of Suez, in the present state of the question.”

8. On Electric Telegraph Communication with England—

“That in the opinion of this Conference, it is not expedient at present to discuss the proposals brought under consideration with reference to the proposed Anglo-Australian, India, and China Electric Telegraph.”

9. On Legal Questions—

“That in the opinion of this Conference it is desirable that legislative action be taken, in order that probates and letters of administration granted in one Colony should, upon registration, be valid in any other.

“That it is desirable the bankruptcy laws of the various Colonies should be assimilated, and that provision should be made in any enactment on bankruptcy for each Colony to have power to apprehend debtors and bankrupts absconding from any other Colony.

“That it is desirable that legislative action be taken, with a view to letters patent granted in one Colony being made valid in any other upon being registered there.

“That it is desirable that legislative action be taken in order that any incorporated Company in one Colony may have power to sue and be sued in any other Colony, upon a proper registration being effected.”

10. On a Uniform System of Weights and Measures—

“That it is desirable a uniform system of weights and measures should prevail throughout the Australian Colonies.”

The subject of Federation of the Australian Colonies was not taken into consideration by the Conference; for, although the question has during some years occupied the attention of several of the Legislatures, the delegates had no instructions in the matter, and it did not seem probable that its discussion at present would be attended with any benefit.

Considering the number and importance of the questions discussed, it is gratifying that so much unanimity prevailed respecting them; and the Conference venture to hope that their labours will tend to cement the feeling of friendly intercourse in respect to trade and commerce which has hitherto existed, and that they will be otherwise productive of beneficial results to all the Australian Colonies.

A copy of the Minutes of Proceedings is attached to this Report.

Delegates from New South Wales—

- CHARLES COWPER, Colonial Secretary, New South Wales.
- T. W. SMART, Colonial Treasurer, New South Wales.
- E. C. WEEKES, M.L.A.

Delegates from Victoria—

- JOHN O'SHANASSY, Chief Secretary, Victoria.
- WILLIAM HAINES, Treasurer, Victoria.

Delegates from South Australia—

- ARTHUR BLYTH, Treasurer, South Australia.
- HENRY AYERS, M.L.C.
- LAVINGTON GLYDE, M.P.

Delegates from Tasmania—

- CHARLES MEREDITH, Treasurer, Tasmania.
- WILLIAM CARTER, M.L.C.
- ADYE DOUGLAS, M.H.A.

MINUTES OF PROCEEDINGS.

FRIDAY, 27 MARCH, 1863.

A first formal meeting of the Intercolonial Conference was held in the Executive Council Chamber at 12 o'clock, all the members being present, namely :—

As the representatives of the Colony of South Australia—The Hon. Arthur Blyth, M.P., Treasurer; the Hon. Henry Ayers, M.L.C.; Lavington Glyde, Esq., M.P.

As the representatives of the Colony of New South Wales—The Hon. Charles Cowper, M.P., Colonial Secretary; the Hon. Thomas W. Smart, Treasurer; E. C. Weekes, Esq., M.P.

As the representatives of the Colony of Tasmania—The Hon. Charles Meredith, M.H.A., Treasurer; the Hon. William Carter, M.L.C.; Aye Douglass, Esq., M.H.A.

As the representatives of the Colony of Victoria—The Hon. John O'Shanassy, M.L.A., Chief Secretary; the Hon. William C. Haines, M.L.A., Treasurer; the Hon. Robert S. Anderson, Commissioner of Trade and Customs.

Resolved—"That the correspondence and telegrams that have passed between the various Governments on the subject of the Conference be entered in the Minutes, and appended to the Report of the Conference."

Mr. Cowper gave notice of the following resolutions :—

- " 1. That Customs duties ought to be paid to the revenues of those Colonies by whose population the dutiable goods are consumed.
- " 2. That with a view to the effectual carrying out of this principle, a uniform tariff be adopted by all the Colonies having common boundaries, and the revenue collected by all at stated periods, divided rateably, and paid over to each according to population.
- " 3. That this Conference is of opinion that the *ad valorem* mode of levying duties upon goods is open to so many objections that it ought not to be resorted to."

The Conference deliberated.

It was then moved by Mr. O'Shanassy,—

- " 1. That this Conference deems it desirable to settle the basis of a uniform tariff for the Australian Colonies, and also for Tasmania.
- " 2. That the articles to be rendered subject to duties should now be discussed."—Carried.

The Conference further deliberated, and adjourned until the following day, at 12 o'clock.

SATURDAY, 28 MARCH.

The Conference met at 12 o'clock. Present—All the members.

The minutes of the previous day were read and confirmed.

The Conference deliberated on the proposed tariff.

Mr. Blyth gave notice that on a future day he would bring under the consideration of the Conference the importance of their expressing an opinion against transportation to any part of Australia.

Mr.

Mr. Meredith brought forward the subject of light-houses, and handed in certain documents, which were ordered to be printed.

The Conference adjourned until Monday, at 12 o'clock.

MONDAY, 30 MARCH.

The Conference met at 12 o'clock. Present—All the members.

The minutes of the previous meeting were read and confirmed.

Mr. Meredith gave notice of a resolution to the effect that the several Governments represented by the Conference should contribute towards the expenses of the light-houses in Banks' Straits.

Mr. Cowper moved—

“ That this Conference is of opinion that the *ad valorem* mode of levying duties upon goods is open to so many objections that it ought not to be resorted to.”

The Conference deliberated.

Motion carried, Mr. Blyth and Mr. Glyde dissenting.

The Conference adjourned until the usual hour on Tuesday.

TUESDAY, 31 MARCH.

The Conference met at 12 o'clock. Present—All the members.

The minutes of the previous day were read and confirmed.

The Conference further deliberated on the proposed tariff, and adjourned until the usual hour on the following day.

WEDNESDAY, 1 APRIL.

The Conference met at 12 o'clock. Present—All the members.

The minutes of the previous day were read and confirmed.

The Conference further deliberated on the tariff, and *Resolved* :—

“ That the following tariff be adopted by this Conference ”—(*See Report.*)

[The Schedule of Tariffs handed to the respective Treasurers of New South Wales, Victoria, South Australia, and Tasmania, to be kept in sealed envelopes until required for parliamentary discussion.]

It was then *Resolved* :—

“ 1. That the members of this Conference undertake to urge upon their respective Parliaments the adoption of such tariff.

“ 2. That in the opinion of this Conference, the tariff which has been agreed upon, after the fullest deliberation, ought not to be altered by any one Colony, nor until after proposed alterations shall have been considered in a future Conference.”

The Conference then deliberated upon the question of drawbacks, and adjourned until the usual hour next day.

THURSDAY, 2 APRIL.

The Conference met at 12 o'clock. Present—All the members with the exception of Mr. Haines.

The previous minutes having been confirmed, the Conference further deliberated on drawbacks.

Mr. Anderson moved—

“ That drawbacks be allowed on the following articles, viz. :—Wine, hops, tea, sugar, rice, coffee, chicory, cocoa, and chocolate. Left open—Ale, beer, porter, candles, and oil.”—Carried.

[The Schedule on articles on which drawbacks are to be allowed handed to the respective Treasurers of New South Wales, Victoria, South Australia, and Tasmania, to be kept in sealed envelopes until required for parliamentary discussion.]

Mr. Cowper then moved—

“ That, in the opinion of this Conference, Customs duties ought to be paid to the revenues of those Colonies by whose population the dutiable goods are consumed.”

On the question being put, there appeared—

For the resolution—Mr. Cowper, Mr. Smart, Mr. Weekes, Mr. Glyde, Mr. Ayers, Mr. Blyth, Mr. Douglas.

Against it—Mr. O'Shanassy, Mr. Anderson.

Carried.

Mr. Meredith and Mr. Carter declined to vote, and Mr. Haines did not enter the room until a later period of the day.

Mr.

Mr. O'Shanassy asked for and obtained the permission of the Conference to place on the minutes a copy of a letter from the Acting Colonial Secretary of New South Wales to the Colonial Secretary of Victoria, dated 12th September, 1855, and copy of Governor Sir Charles Hotham's proclamation, dated the 29th October, in the same year, as indicating the views then and now entertained by the Government of Victoria on the subject of Murray River Customs duties. (*See Appendix.*)

Mr. Anderson gave notice of resolutions for establishing uniformity of system in respect to certificates to masters of vessels; and other matters connected with the shipping interest.

The Conference adjourned until the usual hour on Tuesday, the 7th instant.

TUESDAY, 7 APRIL.

The Conference met at 12 o'clock. Present—All the members except Mr. Carter.

The minutes of the previous meeting were read and confirmed.

Mr. Anderson moved—

- “That this Conference is of opinion that legislative action should be taken by each of the Colonies here represented for the following purposes :—
- “(1.) To prohibit any vessel proceeding to sea from any port in the Colonies which is not under command of a master holding a certificate of competency.
- “(2.) That certificates granted by competent authority in the United Kingdom, or in any of the Colonies aforesaid, to any person, authorizing such person to hold the appointment of master, mate, or engineer of any vessel, be held to be in force within the said Colonies, without further examination or the payment of additional fees.
- “(3.) That the qualifications and mode of conducting the examinations prescribed by the Board of Trade for masters, mates, and engineers, be adopted, so far as practicable by the said Colonies.
- “(4.) That a certificate granted by competent authority to any steam-vessel, authorizing such vessel to ply for a stated period, be held to be in force within all the said Colonies, without further survey or fees being required.
- “(5.) That uniform provision be made in the said Colonies upon the following subjects :—*a.* Salvage. *b.* Buoyage, including tidal and bar harbour signals, and land and sea marks. *c.* The management of life-boats, and preservation of persons from shipwreck.”—Carried.

Mr. Meredith moved—

- “That the light-houses in Banks' Straits, viz., Goose Isand and Swan Island, are now exclusively maintained by the Colony of Tasmania; and one-third of the expense of Kent's Group Light-house and one-fourth that of King's Island Light-house are paid by the same Colony. That such expenditure is disproportionate to the advantages derived by the same Colony from the said light-houses, as compared with the amount paid and the benefit derived from such light-houses by the other Colonies represented at this Conference.”

Resolved :—“That the said light-houses be maintained at the joint expense of the Colonies represented by this Conference, in proportion to the tonnage of each Colony deriving benefit from said light-houses; and that a Commission be appointed by each Colony, in order to settle and adjust the amount to be paid by the respective Governments to the Government of Tasmania, for the support and maintenance of such light-houses.”

Mr. Cowper proposed the following amendment :—

- “That, in the opinion of this Conference, the system of maintaining coast light-houses, established in consequence of the Report of the Commission appointed in the year 1856, should be reconsidered, and that a joint Commission should be appointed, by united action on the part of the respective Governments of the Colonies represented at this Conference, to consider and report generally upon the entire subject.”—Carried.

Mr. Blyth moved—

- “(1.) That this Conference address Her Most Gracious Majesty the Queen, praying that transportation may not be established or continued in any portion of Her Majesty's Australian Dependencies.
- “(2.) That a Committee, consisting of Messrs. Cowper, O'Shanassy, Meredith, and the Mover, be appointed to prepare the Address.”—Carried.

Mr. Cowper gave notice that on a future day he would move a resolution on Electric Telegraph Communication with England.

Mr. O'Shanassy gave notice of a resolution affirming the importance of utilizing the great rivers in the interior, and expressive of the opinion of the Conference, that the necessary works should be undertaken at the charge of the Governments having jurisdiction over them.

The Conference deliberated upon postal communication with England, and the establishment of a Court of Appeal, and adjourned until the next day at the usual hour.

WEDNESDAY,

WEDNESDAY, 8 APRIL.

The Conference met at 12 o'clock. Present—All the members.

The minutes of the previous day were read and confirmed.

The Committee appointed to prepare the Address to the Queen, brought up a draft. Address read. Conference deliberated, and adjourned the further consideration of it until the following day.

Mr. O'Shanassy gave notice of a resolution in favour of immigration.

Mr. Blyth gave notice of a resolution for establishing a uniform system of weights and measures.

The Conference adjourned until 11 o'clock the next day.

THURSDAY, 9 APRIL.

The Conference met at 11 o'clock. Present—All the members.

The minutes of the previous day were read and confirmed.

The Conference considered the Address to the Queen, clause by clause.

Resolved—“That this Address be adopted, viz. :—

“To Her Most Gracious Majesty the Queen.

“May it please Your Majesty,—

“We, your Majesty's loyal and dutiful subjects, the delegates appointed by the respective Governments of New South Wales, Victoria, South Australia, and Tasmania, to consider matters of common interest, in Conference assembled, beg leave to approach your Majesty with assurances of our attachment to your Majesty's person and government.

“We humbly assure your Majesty that the appointment of a Royal Commission to inquire into the subject of transportation from the United Kingdom has filled the inhabitants of the Australian Colonies with alarm, under an apprehension that some portion of your Majesty's Australian Possessions may be selected as a site for a new penal settlement.

“We desire to impress upon your Majesty, that transportation to any part of Australia, whether settled or not, would practically be transportation to those Colonies now existing; would be regarded as a breach of faith, more especially by the large numbers of your Majesty's subjects who have settled in Australia since transportation was discontinued; would impede the current of free immigration, seriously affect the moral welfare of the people, and cause a large increase in the expenses of the several Governments.

“We venture humbly to remind your Majesty that we have already had experience of the injurious effects produced by transportation, and that the result of that experience was communicated to your Majesty in addresses and petitions from your Majesty's loyal subjects in these Colonies. That in compliance with the prayer of those remonstrances, your Majesty was graciously pleased to cause the discontinuance of the system then in existence, and the colonists were consequently led to believe that no proposal for its re-establishment would ever be entertained.

“We desire humbly to inform your Majesty, that if the Report of the Royal Commission should recommend the revival of transportation to Australia, and if that recommendation should unhappily be adopted, the utmost dissatisfaction would be felt throughout the whole group of these Colonies, now flourishing and contented, and the strong feeling of loyalty, which now so universally prevails, would be materially weakened.

“We humbly implore your Majesty to refuse your Majesty's sanction to any proposal for reviving transportation to any part of your Majesty's Australian Possessions, and we also entreat that your Majesty will be pleased to direct that, as early as possible, the transportation of convicts from the United Kingdom to Western Australia should cease, as daily experience proves that the existence of a penal settlement there inflicts much injury upon these Colonies.

“We desire humbly to assure your Majesty that, in acceding to the prayer of the petitions which were formerly addressed to your Majesty, and in the establishment of that enlightened policy which has been of late years manifested towards these Colonies, your Majesty has strengthened in a high degree those feelings of dutiful attachment which it is our anxious and earnest wish should be maintained; and in appealing on this important occasion to your Majesty, we humbly beseech your Majesty to prevent the infliction of so deadly a blow to the welfare and happiness of these Colonies and to their moral and social progress.”

Resolved—

“That four copies of the Address be engrossed for transmission to Her Majesty, and that a copy be presented by the delegates of the several Colonies to each Governor, respectfully requesting that he will be pleased to transmit it.”

Mr.

Mr. O'Shanassy then moved—

“ That in the opinion of this Conference, the commerce, population, and
 “ wealth of Australia can be largely increased, by rendering navigable and
 “ otherwise utilizing the great rivers of the interior, such as the Murray,
 “ Edward, Murrumbidgee, and Darling; and that the obligation of carrying
 “ into effect the necessary works to accomplish these objects devolves primarily
 “ upon the respective Governments having jurisdiction over such rivers.”—
 Carried.

Mr. Cowper gave notice of his intention of moving a resolution for securing to each Colony the revenue to which it is legally entitled.

Mr. O'Shanassy moved, pursuant to notice—

“ (1.) That in the opinion of this Conference, it is of the highest importance to
 “ the prosperity and future greatness of Australia that a healthy flow of
 “ immigration should be encouraged and promoted, from the United Kingdom
 “ chiefly; and as permanent legal appropriation for the accomplishment of
 “ this object has been made already by some of the local Legislatures, by
 “ devoting a fixed proportion of the revenues derivable from the alienation of
 “ public lands, it is but just, in pursuance of a common interest, that similar
 “ provision should be made, on an equitable basis (such as population and
 “ revenue), by all the Legislatures respectively.
 “ 2. That when such arrangements have been perfected, the decision already
 “ come to by this Conference in relation to any alteration in the tariff should
 “ apply with equal force and justice to any proposed alteration affecting the
 “ legal provision for promoting immigration, namely, that an Intercolonial
 “ Conference be called to consider the subject, before any legislation is proposed
 “ by the respective Governments.”—Carried.

Moved by Mr. O'Shanassy—

“ That in the opinion of this Conference, it is desirable that legislative action
 “ be taken in order that probates and letters of administration granted in one
 “ Colony should, upon registration, be valid in any other.”—Carried.
 “ That it is desirable that the bankruptcy laws of the various Colonies should be
 “ assimilated, and that provision should be made, in any enactment on bank-
 “ ruptcy, for each Colony to have power to apprehend debtors and bankrupts
 “ absconding from any other Colony.”—Carried.
 “ That it is desirable that legislative action be taken with a view to letters
 “ patent granted in one Colony being made valid in any other, upon being
 “ registered there.”—Carried.

Moved by Mr. Douglas—

“ That it is desirable that legislative action be taken in order that any incorporated
 “ Joint Stock Company in one Colony may have power to sue and be
 “ sued in any other Colony, upon a proper registration being effected.”—
 Carried.

Moved by Mr. Blyth—

“ That it is desirable a uniform system of weights and measures should prevail
 “ throughout the Australian Colonies.”—Carried.

At the instance of Mr. Ayers, the Conference resumed the consideration of the question of establishing a General Court of Appeal for the Australian Colonies. The system in force in South Australia being at variance with that in operation in the remainder of the Colonies, where the appeal to the Privy Council is direct from the Supreme Court, and in the opinion of the majority of the members of the Conference has been found to work satisfactorily, it was finally decided that South Australia should legislate solely on the matter.

Mr. Cowper brought under consideration the question of telegraphic communication with England.

The Conference deliberated.

Mr. Anderson moved—

“ That in the opinion of this Conference, it is not expedient at present to discuss
 “ the proposals brought under notice with reference to the Anglo-Australian,
 “ India, and China electric telegraph.”—Carried.

The Conference adjourned until the next day, at 11 o'clock.

FRIDAY, 10 APRIL.

The Conference met at 11 o'clock. All the members present.

The minutes of the previous day were read and confirmed.

Mr. Cowper moved—

“ That this Conference is of opinion that the Colonies of New South Wales,
 “ Victoria, and South Australia, ought to co-operate with each other to secure
 “ to each Colony the revenue to which it is legally entitled, either by the
 “ distribution of the Customs revenue collected by all at stated periods
 “ rateably, according to their population, or by some other mode which may
 “ be considered equitable and practicable.”

Mr. Anderson moved the addition of the following words, as an amendment :—

“ Such as the assimilation of the tariffs of the said Colonies as now agreed upon—
 “ which would, upon being enforced, obviate all difficulties respecting border
 “ Customs, by having a system of internal free trade, whether borne along or
 “ across the River Murray.”

On the question being put, there appeared—

For the original motion—Mr. Cowper, Mr. Smart, Mr. Weekes, Mr. Blyth, Mr. Ayers, Mr. Glyde, Mr. Douglas.

For the amendment—Mr. O'Shanassy, Mr. Anderson, Mr. Haines.

Mr. Carter declined to vote, and Mr. Meredith was absent.

Mr. Blyth moved—

“ That in the opinion of the Conference, it is inexpedient to consider the proposal
 “ for the adoption of a fortnightly postal service with the United Kingdom
 “ by way of Suez, in the present state of the question.”—Carried.

Mr. Carter handed in a paper explaining why he did not sign the anti-transportation Address to her Majesty—

“ Mr. Carter declined to sign the Address, unless the following alterations were
 “ made in it :—Paragraph 3, 9th line—Strike out ‘moral.’ Paragraph 4,
 “ 3rd line—Strike out ‘injurious.’ Paragraph 7, after ‘maintained’ in 9th
 “ line, strike out all that remains.”

Mr. Glyde then moved—

“ That Messrs. Cowper, O'Shanassy, Blyth, and Meredith, be a Committee to
 “ prepare a Draft Report of the proceedings of the Conference.”—Carried.

The Conference adjourned until 11 o'clock the next day.

SATURDAY, 11 APRIL.

The Conference met at 11 o'clock. Present—All the members, excepting Mr. O'Shanassy, Mr. Anderson, Mr. Douglas, and Mr. Carter.

The minutes of the previous day were read and confirmed.

The Committee brought up a Draft Report of the Proceedings of the Conference, which was considered.

The Conference adjourned until Monday next, at 10 o'clock.

MONDAY, 13 APRIL.

The Conference met at 10 o'clock. Present—All the members excepting Mr. Anderson.

The minutes of the previous meeting were read and confirmed.

Resolved—

“ That the Report of the Proceedings of the Conference brought up be adopted,
 “ and signed in quadruplicate by the members of the Conference.”

Resolved—

“ That the Secretary prepare in quadruplicate a Schedule containing the tariff,
 “ and the list of the articles on which drawbacks are to be allowed, and that
 “ the Treasurers present do affix their signatures to such Schedules, and each
 “ take one Schedule, to be kept in a sealed envelope until required for parlia-
 “ mentary discussion.”

Mr. Blyth moved—

“ That Tuesday, the 2nd of June, at half-past 4 o'clock, be fixed as the day and
 “ hour for bringing forward the amended tariff question in all the Colonies.”—
 Carried.

The delegates of New South Wales wish to place on record that, in signing the Report of the Proceedings of the Conference, they reserve the option of not proposing the tariff to Parliament, if the Government of Victoria finally refuses to make any arrangement with the Government of New South Wales respecting the Border Customs duties.

THOMAS WEBB WARE,
 Secretary.

We certify that these Minutes are correct.

CHARLES MEREDITH.
 CHARLES COWPER.
 ARTHUR BLYTH.
 JOHN O'SHANASSY,
 Chief Secretary of Victoria.

APPENDIX.

Papers on the subject of the Maintenance of Light-houses in Banks' Straits.

*Tasmania, Marine Board,
21 March, 1863.*

Sir,

I have the honor to enclose copy of a letter addressed by me, on the 5th January last, to the late Colonial Treasurer, with reference to the sums contributed annually by the neighbouring Colonies towards the maintenance of the Tasmanian light-houses in Bass' Straits, and pointing out some reasons why these Colonies should contribute in like manner some part of the annual cost of the two light-houses in Banks' Straits.

The question may perhaps be discussed at the meeting of delegates to be held in Melbourne next week; hence my reason for troubling you with this letter.

I have, &c.,

CRAWFORD M. MAXWELL.

Hon. C. Meredith,
Colonial Treasurer,
&c., &c.

*Marine Board, Hobart Town,
5 January, 1863.*

Sir,

Referring to a conversation with you lately on the subject of the light-houses of this Colony, I have the honor to submit for your consideration the following observations:—

The light-houses may be divided into two classes, the one purely local, namely, Low Head, South Brune, and the Iron Pot, which are useful to vessels trading to Tasmania only; the others are great highway lights—King's Island, Kent's Group, Goose Island, and Swan Island, the advantages of which are shared by all ships passing through Bass' and Banks' Straits.

It will be admitted by every one, that either the vessels or the Colony whose trade derives benefit from any particular light should contribute something towards its maintenance. For example, all foreign vessels trading to the Baltic pay a toll to Denmark in passing through the Sound, in consideration of the lights and beacons kept up in that narrow channel. In like manner, the Colonies of Victoria and New South Wales contribute, as you know, towards the cost of the light-houses maintained by this Colony on King's Island and Kent's Group. Whether the amount of their contribution is sufficient is another question, to be considered hereafter.

Looking, therefore, at the fact that the trade between Melbourne and New Zealand, most of which passes through Banks' Straits is equal to if not more than the trade between Tasmania and all parts of the world; and also at the fact that many of the gold ships with cargoes of enormous value pass the same Straits on the voyage from Melbourne to England, I believe the Government of Victoria could not refuse, if they were asked, to contribute towards the support of the light-houses on Swan and Goose Islands. In point of fact, the Commissioners of New South Wales, Victoria, South Australia, and Tasmania, admit in their report that the expense of the two light-houses named ought to be defrayed by Victoria and Tasmania jointly; but decide that the whole expense should continue to be borne by this Colony, in consideration, to quote the words of the report, "of the advantages accruing to the Tasmanian trade" from the lights to be erected by Victoria on Cape Schanck and Wilson's Promontory.

I need scarcely remark that the advantages derived from the lights in Banks' Straits by the rich Colony of Victoria, with her enormous trade, exceeds at least a hundred-fold the advantages the trade of Tasmania derives from the lights on Cape Schanck and the Promontory; and whatever may have been the case at the date of the Commissioner's Report it would be absurd now to set off the one advantage as an equivalent for the other. While it is impossible for any ship trading to Victoria to arrive or depart without passing within range of some one or other of the Tasmanian lights, there is not one ship out of a hundred trading to this Colony that passes in sight of a Victorian light, unless, of course, she is bound to Port Phillip or Gipps Land.

The next question to discuss is, what share of expense ought to be apportioned to the Colonies whose ships or trade, it is not denied, participate in the benefit derived from the light-houses in the Straits.

At present, in the case of Kent's Group, the expense is divided equally between three Colonies; whereas, in the case of King's Island, Victoria bears one-half, New South Wales and Tasmania one-fourth each. In neither case is the division an equitable one. The share of each light ought clearly to be in proportion to the tonnage of any Colony which passes that light; but as it would be impossible to ascertain this, perhaps the fairest way would be to take the tonnage entered inwards in each Colony as the basis of the calculation.

I have not been able to get the statistics for all the three Colonies for 1861, and am, therefore, obliged to take 1860. In that year the tonnage entered inwards at the Customs was—

In Victoria	..	..	..	..	..	..	581,642 tons
In New South Wales	..	..	..	..	..	..	427,835 "
In Tasmania	..	..	..	..	..	..	116,172 "

Supposing, therefore, that the annual cost of the light-houses on King's Island and Kent's Group were to be divided equitably, the share of each Colony would be—

Victoria	..	..	..	..	..	..	52 per cent.
New South Wales	..	..	..	..	..	..	38 "
Tasmania	..	..	..	..	..	..	10 "

In like manner, the share for the lights on Swan Island and Goose Island would be—

Victoria	..	..	..	..	..	..	83 per cent.
Tasmania	..	..	..	..	..	..	17 "

I have, &c.,

CRAWFORD M. MAXWELL.

The Hon. T. D. Chapman,
Colonial Treasurer.

STATEMENT shewing Expenditure on account of Coast Light-houses, Harbour Lights, Light Vessels, and Jetty Lights, in Victoria, for the year ending 31st December, 1863.

STATION.	Salaries and Wages.		Oil.		Wicks and Glasses.		Stores.		Fuel, Light, and Water.		Ship Chandlery.		Maintenance.		TOTAL.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
Cape Otway	715	0 0	443	15 0	13	0 0	43	6 2	.....	.....	.....	.....	.....	.....	1,215	1 2
Gabo Island	715	0 0	399	7 6	27	2 5	93	6 0	7	17 6	.....	.....	.....	.....	1,242	13 5
Shortland's Bluff	738	0 0	532	10 0	18	14 0	43	14 8	.....	.....	.....	.....	.....	.....	1,332	18 8
Gillibrand's Point	396	0 0	550	5 0	10	0 0	17	16 4	1	0 0	.....	.....	.....	.....	975	1 4
West Channel	1,199	0 0	519	3 9	27	16 4	.....	.....	52	6 9	82	17 6	.....	.....	1,881	4 4
Swan Spit	1,053	0 0	266	5 0	33	14 0	.....	.....	24	10 1	7	2 7	.....	.....	1,984	11 8
Geelong Ship Channel	761	1 0	110	19 9	6	9 1	.....	.....	42	10 0	51	2 7	.....	.....	972	1 5
Williamstown Jetty .. .. .	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	49	7 4	49	7 4
Sandridge Jetty .. .. .	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	72	7 7	72	7 7
Portland Jetty .. .. .	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	50	0 0	50	0 0
Geelong Jetty .. .. .	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	73	0 0	73	0 0
	5,577	0 0	2,322	6 0	136	15 10	198	3 2	128	4 4	141	2 8	244	14 11	9,248	6 11

NOTE.—The above does not include the expenses of transport stores being conveyed by Government vessels.

CHARLES FERGUSON,
Chief Harbour Master.

STATEMENT of Expenditure for the Maintenance of Light-houses and Lights in the Colony of New South Wales, during 1858.

LIGHT-HOUSES.	Principal Keeper, (per Annum.)	First Assistant.	Second Assistant.	Third Assistant.	Fourth Assistant.	Salaries.	Oils and Stores.	Repairs and Incidental.	TOTAL.
	£	£	£	£	£	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Sydney—Macquarie Light-house	180	84	84	84	..	404 0 0	189 14 9	184 16 3	778 11 0
„ Hornby Light-house	180	84	84	84	from 20th May	208 16 1	237 10 10	15 18 5	462 14 4
„ Bramble Light-ship	180	84	84	..	..	516 0 0	182 15 10	90 16 6	789 12 4
„ Fort Denison Light	2s. 6d. per diem	1s. 6d. per diem	..	..	from 21st June	38 16 0	27 2 11	7 5 0	73 3 11
Newcastle Light-house	180	84	84	..	..	346 6 1	130 7 1	9 16 6	486 9 8
Cape Moreton Light-house	216	108	108	180	..	540 0 0	337 5 8	15 3 7	892 9 3
Moreton Bay Floating Light	200	96	96	96	96	584 0 0	469 12 9	72 14 7	1,126 7 4
						2,637 18 2	1,574 18 10	396 10 10	4,609 7 10

15 July, 1859.

HENRY LANE,
Treasurer, New South Wales.

INTERCOLONIAL CONFERENCE.

13

Cost of Light Service, South Australia, for the Year 1858.

DEPARTMENT.	Amount.	Amount.	TOTAL.
	£ s. d.	£ s. d.	£ s. d.
LIGHT-SHIP.			
Head Keeper's salary	175 0 0		
Second Keeper's do.	126 0 0		
Third Keeper's do.	120 0 0		
Oil, 730 gallons, at 6s. 6d.	237 5 0		
Stores, lamp-glasses, &c.	92 1 3		
Fuel, 7 tons coal, at 65s.	22 15 0		
Water, 20 tons, at 20s.	20 0 0		
Transport and inspection	20 0 0		
		813 1 3	
Cost of management and collection of dues	121 17 0		934 18 3
TROUBRIDGE LIGHT-HOUSE.			
Head Keeper's salary	200 0 0		
Second Keeper's do.	126 0 0		
Third Keeper's do.	120 0 0		
Oil, 365 gallons, at 6s. 6d.	118 12 6		
Stores, glasses, &c., &c.	60 0 0		
Fuel, 9 tons coals, at 65s.	29 5 0		
Transport and inspection	43 10 0		
		697 7 6	
Cost of management and collection of dues	104 11 1		801 18 7
STURT LIGHT-HOUSE.			
Head Keeper's salary	200 0 0		
Second Keeper's do.	126 0 0		
Third Keeper's do.	120 0 0		
Oil, 730 gallons, at 6s. 6d.	237 5 0		
Stores, lamp-glasses, &c.	60 0 0		
Transport and inspection	58 0 0		
		801 5 0	
Cost of management and collection of dues	120 3 0		921 8 0
FLINDERS LIGHT-HOUSE.			
Head Keeper's salary	200 0 0		
Second Keeper's do.	126 0 0		
Third Keeper's do.	120 0 0		
Fourth Keeper's do.	120 0 0		
Oil, 365 gallons, at 6s. 6d.	118 12 6		
Stores, glasses, &c.	60 0 0		
Transport and inspection	73 0 0		
		817 12 6	
Cost of management and collection of dues	121 13 3		939 5 9
MACDONNELL LIGHT-HOUSE.			
Head Keeper's salary	200 0 0		
Second Keeper's do.	126 0 0		
Third Keeper's do.	120 0 0		
Oil, 365 gallons, at 6s. 6d.	118 12 6		
Stores, glasses, &c.	60 0 0		
Transport and inspection	101 10 0		
		726 2 6	
Cost of management and collection of dues	108 18 0		835 0 6
			4,432 11 1

INTERCOLONIAL CONFERENCE.—CORRESPONDENCE AND TELEGRAMS.

*Chief Secretary of South Australia to Chief Secretary of Victoria.**Chief Secretary's Office,
Adelaide, 18 March, 1862.*

Sir,

I have the honor, by desire of His Excellency Sir Dominick Daly, to request that you will call the attention of the Government of Victoria 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 communication 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 Victoria will deem 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 considerations 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 Governments the establishment along our frontier of a costly and extensive revenue service.

9. It is, therefore, the more important that the question of uniform tariff 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 arrangement 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 arrangement, if once adopted.

I have, &c.,
G. M. WATERHOUSE,
Chief Secretary.

The Hon. the Chief Secretary, Victoria.

[Also to the Governments of Tasmania, Queensland, New South Wales,* and Western Australia.]

*Under Secretary of Victoria to Chief Secretary of South Australia.**Victoria, Chief Secretary's Office,
Melbourne, 10 April, 1862.*

Sir,

I have the honor to acknowledge the receipt of your letter of 18th March, suggesting the expediency of a uniform tariff being adopted by the Australian Colonies, and I am to inform you that Mr. O'Shanassy will shortly bring the subject under the consideration of the Government of Victoria.

I have, &c.,
J. MOORE,
Under Secretary.

The Hon. the Chief Secretary, South Australia.

*Colonial Treasurer of Tasmania to Chief Secretary of South Australia.**Tasmania, Colonial Treasury,
Hobart Town, 15 April, 1862.*

Sir,

I have the honor to acknowledge the receipt of your letter of the 19th ultimo, calling the attention of the Government of Tasmania to the difference of tariffs among the Australian Colonies, and the desirability of placing their tariffs on a uniform basis, &c., and in which you suggest that the question should be speedily considered by the Treasurers of the several Colonies, or some other person possessing the confidence of the respective Governments, at a meeting to be held at Melbourne for the purpose.

In reply, I beg to state that, although the situation of this Colony makes uniformity of tariff on the part of this and the other Australian Colonies of less importance to it or to them than uniformity among those Colonies themselves, still the Government of Tasmania recognizes the desirability of the object

* Letter to New South Wales, printed by order of the Legislative Assembly, 27th August, 1862.

object contemplated by the proposed Conference, and will despatch a representative to meet the Australian delegates, should the time fixed for meeting be a convenient one—with reference to which I have to acquaint you that the Tasmanian Parliament is likely to assemble by the latter part of June next, or early in July, when the tariff question, in all probability, will principally engage its attention.

I have, &c.,

FRED. M. INNES.

The Honorable the Chief Secretary, Adelaide.

Colonial Secretary of Queensland to Chief Secretary of South Australia.

*Colonial Secretary's Office, Brisbane,
Queensland, 17 May, 1862.*

Sir,

I have the honor to acknowledge the receipt of your letter of the 18th March, which has been duly considered by the Governor in Council.

2. This Government fully recognizes the expediency of making an attempt to place the Customs tariffs of the several Australian Colonies upon a uniform scale. At the same time it is impossible to overlook the difficulties with which any movement in that direction must be surrounded, and to which I need not here further advert. As the first step towards the removal of those difficulties, the Government of Queensland will be disposed to accede to the proposal of your Government that a preliminary Conference should be held in the central Colony, and will endeavour to arrange for the presence, on behalf of Queensland, of the Treasurer, or some other duly qualified officer, upon the receipt of a further communication.

3. This Government is not, however, equally able to entertain at the present time your proposal that the exports of each Colony should reciprocally be received by the other free of duty. This latter is a proposition, the abstract soundness and propriety of which the Government of Queensland does not now desire to question, but the time has not yet arrived for acceding to it. It is hoped that at no distant day our export of rum and sugar, as well as other tropical products, may be considerable, but at present to accede to such an arrangement as that submitted would be, as regards Queensland, to sacrifice a considerable portion of our Customs revenue, and thereby to confer very small, if any, advantage upon our Colonial producers.

4. In conclusion, I beg leave to convey to you the thanks of the Government of Queensland for your courteous and enlightened communication, and to express a hope that the praiseworthy efforts of the Government of South Australia to forward objects of such great importance may produce some satisfactory result.

I have, &c.,

ROBERT G. W. HERBERT.

The Hon. the Chief Secretary of South Australia.

Colonial Secretary of New South Wales to Chief Secretary of South Australia.

*Colonial Secretary's Office,
Sydney, New South Wales, 22 May, 1862.*

Sir,

I have the honor to acknowledge the receipt of your letter of the 18th 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.

The Hon. the Chief Secretary of South Australia.

Extract from Speech of His Excellency Sir John Young, Bart., Governor-in-Chief of New South Wales, on opening the present Session of the Parliament of that Colony (1861-2.)

6. The question of unrestricted commercial intercourse between New South Wales and the adjoining Colonies has long engaged the attention of this Government, and the rapid settlement of population in the border districts renders an early adjustment very desirable. It is with much gratification that I inform you that the importance of this subject is now becoming more generally recognized, and that the Government of South Australia has sought the co-operation of this Colony in the appointment of a Commission of representatives from the various Australian Colonies, to consider and report on the question of a uniform tariff, which will form the basis of an arrangement by which each Colony will receive that proportion of the revenue to which it is equitably entitled. I recommend the subject to your attentive consideration.

Colonial Secretary of Western Australia to Chief Secretary of South Australia.

*Western Australia, Colonial Secretary's Office,
Perth, 15 April, 1862.*

Sir,

I am directed by His Excellency Governor Hampton to acknowledge the receipt of your letter of 26th ultimo, No. 176-62, recommending, at the request of His Excellency Sir Dominick Daly, the desirableness of placing the tariffs of the Australian Colonies on a uniform basis, with a view to create a more cordial feeling between the several Colonies, and possibly to prepare the way for a future federal union.

His Excellency Governor Hampton desires me to say that the geographical position of Western Australia precludes it from entering into any arrangement such as is proposed, but as soon as the general arrangements of the other Australian Colonies are communicated, the Government of this Colony will be glad to take them into consideration.

I have, &c.,

FRED. P. BARLEE.

The Honorable the Chief Secretary, Adelaide, South Australia.

Telegram

Telegram from the Chief Secretary of South Australia to the Chief Secretary of Victoria.

15 July, 1862.

We shall be glad to hear what time will be most convenient for the assembling of the proposed Conference. Three delegates will, most probably, proceed from this Colony to attend it.

G. M. WATERHOUSE,
Chief Secretary.

Chief Secretary of Victoria to Chief Secretary of South Australia.

*Victoria, Chief Secretary's Office,
Melbourne, 17 July, 1862.*

Sir,

Referring to your letter of the 18th March, proposing that representatives from the several Australian Colonies should meet in conference at Melbourne, to consider the important question of uniform tariffs, and discuss how far united action is attainable to give effect to this desirable object, I have now the honor to inform you that this Government readily assent to the proposal, and will be prepared to name one or more Members of the Cabinet to represent them at the proposed Conference, the time for holding which will, I presume, be settled with the other Colonies by the South Australian Government.

Our Parliament, having learnt that such a Conference had been proposed, have expressed their opinion that it would afford a suitable opportunity to consider the larger question of Australian Federation, and I have, therefore, to request that the delegates named by your Government may be authorized also to confer and report upon this question.

All the papers on this important subject have been printed in the form of a pamphlet, six copies of which are forwarded herewith.

I have, &c.,
JOHN O'SHANASSY.

The Honorable the Chief Secretary, South Australia.

Chief Secretary of Victoria to Colonial Secretary, Queensland.

*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 Government of Queensland, that the delegates nominated to represent them at the proposed Conference be authorized also to confer and report upon that question.

I have, &c.,
JOHN O'SHANASSY.

The Honorable the Colonial Secretary, Queensland.

[Similar letter to the Honorable the Colonial Secretary, Tasmania, New South Wales, and South Australia.]

Colonial Secretary of Tasmania to Chief Secretary of Victoria.

26 July, 1862.

I have the honor to acknowledge the receipt of your letter, dated 18th instant, on the subject of the proposed meeting of delegates from the several Australian Colonies to consider the subject of uniform tariffs, and to thank you for the six copies of the pamphlet containing the correspondence relative to federation which accompanied it.

In reply, I have to inform you that the subject will shortly be brought before Parliament; and with a view to putting the members more fully in possession of the matter, I shall be obliged, should the pamphlet be still in print, and such a number be procurable, by your causing me to be furnished with one hundred (100) copies for distribution; this Government, of course, paying the expense.

I have, &c.,
W. HENTY.

The Hon. the Chief Secretary, Victoria.

Chief Secretary of South Australia to Colonial Secretary of New South Wales.

*Chief Secretary's Office,
Adelaide, 5 August, 1862.*

Sir,

With reference to your letter of 22nd May last, 543-62,* 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 a uniform tariff, I have now the honor, by desire of His Excellency, Sir D. Daly, to propose that the delegates meet at Melbourne on the 15th October next, the following gentlemen having been appointed to represent South Australia:—The Honorable the Treasurer, Arthur 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.

The Hon. The Colonial Secretary, New South Wales.

Chief

INTERCOLONIAL CONFERENCE.

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*Chief Secretary of South Australia to Colonial Secretary of Tasmania.**Chief Secretary's Office,
Adelaide, 5 August, 1862.*

Sir,

I have the honor, by desire of His Excellency Sir Dominick Daly, to inform you, in reply to your letter of 15th April last, recognizing, on behalf of the Government of Tasmania, the desirableness of the proposed Conference on the question of a uniform tariff for the Australian Colonies, that the 15th October next has been fixed upon as the day of meeting of delegates at Melbourne, and that the following gentlemen have been appointed to represent South Australia at the Conference, viz.:—The Honorable the Treasurer, Arthur 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.

The Hon. the Colonial Secretary, Tasmania.

*Chief Secretary of South Australia to Colonial Secretary of Queensland.**Chief Secretary's Office,
Adelaide, 5 August, 1862.*

Sir,

With reference to your letter of 17th May last, informing me that the Government of Queensland will endeavour to send delegates to the proposed Intercolonial Conference on receipt of a further communication on the subject, I have now the honor, by desire of His Excellency Sir Dominick Daly, to intimate that the Conference will be opened at Melbourne on the 15th October next, when the following gentlemen will attend as representatives of South Australia:—The Honorable the Treasurer, Arthur 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.

The Hon. the Colonial Secretary, Queensland.

*Chief Secretary of South Australia to Chief Secretary of Victoria.**Chief Secretary's Office,
Adelaide, 5 August, 1862.*

Sir,

In reply to your letter of the 18th ultimo, informing me of the ready assent of the Government of Victoria to the proposal submitted in mine of the 18th March, that representatives from the several Australian Colonies should meet in Melbourne, to consider the important question of adopting a uniform tariff, I have now the honor, by desire of His Excellency Sir D. Daly, to propose, on the part of this Government, that the delegates meet at Melbourne, on Wednesday, 15th October next. The following gentlemen have been appointed to represent South Australia at the Conference:—The Honorable the Treasurer, Arthur Blyth, Esq., M.P., the Honorable Henry Ayers, M.L.C., and Lavington Glyde, Esq., M.P.

I have, &c.,
G. M. WATERHOUSE,
Secretary.

The Hon. the Chief Secretary, Victoria.

*Colonial Secretary of Brisbane to Chief Secretary, Melbourne.**16 August, 1862.*

I do myself the honor to acknowledge the receipt of your letter, dated the 18th July last, intimating that your Government have notified their assent to a proposition from the Government of South Australia, that a Conference of delegates from each of the Australian Colonies should be held in Melbourne, to consider the subject of uniform tariffs, and suggesting for the favourable consideration of this Government, that the delegates nominated to represent them at the proposed Conference, be authorized also to confer and report upon the question of Australian Federation. In reply, I do myself the honor to inform you, that your letter has been under the consideration of His Excellency Sir G. Bowen and his Executive Council, and that they are fully sensible of the importance of the questions involved, and are prepared to co-operate in the matter with the Governments of the other Australian Colonies.

But, before taking part, the Government are desirous of being further informed upon the following points:—

1. What is the number of delegates proposed to be appointed by each Colony?
2. What is to be the nature of such appointment?
3. Should the delegates be selected from the Houses of the Legislature?

It would appear that when the subject of federation was formerly mooted in New South Wales and Victoria these matters were defined; but this Government do not perceive any allusion to the *modus operandi* in the present proposition.

I have, &c.,
R. G. W. HERBERT.

The Honorable the Chief Secretary, Victoria.

*Telegram from Colonial Secretary, Queensland, to Chief Secretary, Victoria.**1 September, 1862.*

May I request the favour of an early reply to my letter of 16th ultimo, respecting Conference? This Government is desirous of taking immediate action, and would be glad of the information sought. Can you spare a few more copies of the pamphlet on Federal Union?

A. W. MANNING, P. U. Secretary.

*Telegram for the Chief Secretary, Victoria, from the Treasurer, Tasmania.**15 September, 1862.*

Has the Victorian Government named the delegates to meet those from South Australia, or the Parliament, and who are they? An immediate answer will oblige.

Telegram from the Colonial Secretary, Tasmania, to Chief Secretary, Melbourne.

15 September, 1862.

The Colonial Secretary (too late to send written despatch) begs for the favour of a reply to the following:—1st. Will the proposed meeting of delegates take place on the 15th October? 2nd. What are the objects for consideration (if any) beyond the subject of the tariff? 3rd. How many delegates are to attend from each Government? 4th. Are the delegates appointed by Parliament, or by the Executive Government?

Chief Secretary, Victoria, to Chief Secretary, Queensland.

*Chief Secretary's Office,
4 September, 1862.*

I am directed by the Honorable the Chief Secretary to acknowledge the receipt of your letter of 16th August, notifying that the Government of Queensland is willing to co-operate with the Governments of the other Australian Colonies in the matter of the proposed Conference, but requesting, before taking part, to be further informed on the following points, viz.:—

1. What is the number of delegates proposed to be appointed by each Colony?
2. What is to be the nature of such appointment?
3. Should the delegates be selected from the Houses of Legislature?

In reply, I have the honor, by Mr. O'Shanassy's desire, to state that it is proposed—

That three delegates should be appointed by each Colony.

That nomination by the Government of each Colony is to be the nature of their appointment.

That the Government of South Australia has appointed the Honorable the Treasurer of the Colony, and one Member of each House of Legislature; and that this Government has decided upon nominating three Members of the Cabinet.

I forward by this opportunity six additional copies of the federation pamphlet, as requested in your telegram of 1st instant.

J. MOORE, U.S.

Colonial Secretary, Queensland, to Chief Secretary, Victoria.

16 September, 1862.

I do myself the honor to acknowledge the receipt of your letter dated the 4th instant, in further reference to the subject of the proposed Conference, in which you reply *seriatim* to the questions propounded in my communication of the 16th ultimo.

I have also to acknowledge with thanks the receipt of six additional copies of the federation pamphlet.

The Government of Queensland have again had under the most careful consideration, the subject of the proposed Conference of delegates from the several Australian Colonies, and the matter now presents itself to them in a light in which it had not been viewed before.

In each of the other Australian Colonies, action in respect of the proposed Conference has been taken with Parliamentary sanction, the result of Parliamentary debate; whereas in this Colony, although certain papers upon the matter were laid upon the Tables of the Houses of Legislature, no action whatever was taken, and no authority conveyed for entering an appearance at such Conference.

It would, moreover, appear that, both by the Government of Victoria and that of South Australia, the sanction of the respective Legislatures is held to be necessary to the recognition of the appointed delegates.

This Government have, therefore, arrived at the conclusion that Queensland cannot under these circumstances be represented at the General Conference.

It is regretted that action cannot be taken in the matter by this Colony, as subjects of great mutual import might have been settled on satisfactory bases.

I have, &c.,

A. W. MANNING,
P. U. Secretary.

Chief Secretary, Victoria.

Principal Under Secretary of Queensland to Chief Secretary of South Australia.

*Colonial Secretary's Office,
Brisbane, 16 September, 1862.*

Sir,

I do myself the honor to acknowledge the receipt of your letter, dated the 5th ultimo, in further reference to the proposed Intercolonial Conference.

The Government of Queensland having given the subject their most careful consideration, have, for the reasons noted below, come to the conclusion that they will not have it in their power to send delegates to the General Conference.

In each of the other Colonies, action in respect to this matter has been taken with Parliamentary sanction, the result of Parliamentary debate, whereas in this Colony, although certain papers upon the subject were laid on the Tables of the Houses of Legislature, no action whatever was taken thereon, and no authority conveyed for entering an appearance at such Conference.

It would, moreover, appear that the sanction of the respective Legislatures is held, both by the Government of Victoria and that of South Australia, to be necessary to the recognition of the appointed delegates.

It is with regret that the Government arrive at this decision, as they are of opinion that subjects of great mutual import might have been settled on satisfactory bases.

I have, &c.,

(For the Colonial Secretary,)

A. W. MANNING, P. U. Secretary.

The Honorable the Chief Secretary
of South Australia.

Principal Under Secretary of New South Wales to Chief Secretary of South Australia.

*Colonial Secretary's Office,
Sydney, New South Wales, 20 September, 1862.*

Sir,

I have the honor to acknowledge the receipt of your letter of the 5th ultimo, proposing that delegates from the various Australian Colonies should meet at Melbourne on the 15th of next month, to deliberate on the question of a uniform tariff, and stating the names of the gentlemen who have been appointed to represent South Australia at the Conference.

2.

INTERCOLONIAL CONFERENCE.

19

2. In my communication of the 22nd May last, I apprised you of the intention of this Government to invite an expression of the opinion of Parliament upon the proposal. The subject was accordingly brought forward by the Colonial Treasurer, in the House of Assembly, on the 10th instant, when a resolution was passed to the effect that it was desirable that New South Wales should be represented at the proposed Conference, with a view to secure to each Colony the revenue to which it is entitled.

3. As, however, it will be necessary that one or more Members of the Ministry should be among the number of delegates from this Colony, and it is not probable the present session of Parliament will terminate in sufficient time to enable them to leave Sydney earlier than December, the precise date of meeting cannot now be arranged, but when the session is more advanced, a proposal will be made to you upon the subject. It is hoped that either the month of December or January will be a convenient time for the representatives of the other Colonies to assemble at Melbourne.

I have, &c.,
(For the Colonial Secretary,)

The Honorable the Chief Secretary
of South Australia.

W. ELYARD,
Under Secretary.

Colonial Secretary of New South Wales to Chief Secretary, Victoria.

4 October, 1862.

With reference to your letter of the 18th of July last, respecting the Conference of delegates from each of the Australian Colonies, proposed to be held in Victoria, on the subject of uniform tariffs, I have the honor to transmit, for your information, a copy of a letter which I addressed to the Chief Secretary of South Australia on the 20th ultimo, intimating that, for the reasons therein stated, so far as New South Wales is concerned, the month of December or January would be a convenient time for the representatives of the various Colonies to assemble at Melbourne.

With respect, however, to the suggestion contained in your communication, that the gentlemen nominated to represent this Colony should be authorized at the same time to consider the subject of Australian Federation, I beg to state that it appears to this Government advisable that the attention of the delegates should be confined to the question of the tariff.

Chief Secretary, Victoria.

I have, &c.,
CHARLES COWPER.

Chief Secretary of South Australia to Colonial Secretary of New South Wales.

Chief Secretary's Office,
Adelaide, 10 October, 1862.

Sir,

I have the honor, by desire of His Excellency Sir D. Daly, to acknowledge the receipt of your letter of 20th ultimo, expressing the wish of the Government of New South Wales to postpone the proposed Conference between representatives of the several Australian Colonies, until after the termination of the present session of the New South Wales Parliament, and informing me that you will submit a proposal on the subject. I have now the honor to inform you that this Government will be happy to meet your wishes, by postponing further action until the receipt of your communication.

I have, &c.,
G. M. WATERHOUSE,
Chief Secretary.

The Honorable
The Colonial Secretary,
New South Wales.

Chief Secretary of South Australia to Chief Secretary of Victoria.

Chief Secretary's Office,
Adelaide, 10 October, 1862.

Sir,

I have the honor, by desire of His Excellency Sir D. Daly, to enclose copy of a letter, (20th September, 1862,) addressed to me by the Honorable the Colonial Secretary of New South Wales, desiring a postponement of the Tariff Conference; and also copy of my reply (10th October, 1862) to that communication.

I have, &c.,
G. M. WATERHOUSE,
Chief Secretary.

The Honorable the Chief Secretary,
Victoria.

[Similar letters to the Governments of Tasmania and Queensland.]

Telegram for the Honorable the Chief Secretary, Melbourne, from the Colonial Treasurer, Tasmania.

Will the meeting of delegates take place on the 15th, or is it postponed in consequence of the New South Wales delegates declining to meet till December?
14 October, 1862.

Telegram from the Chief Secretary of South Australia to Honorable the Colonial Secretary of Queensland.

I write that Government of New South Wales have desired the postponement of the Tariff Conference, which this Government have agreed to.
15 October, 1862.

G. M. WATERHOUSE,
Chief Secretary.

Telegram from the Colonial Secretary of Queensland to the Chief Secretary of South Australia.

Received your message notifying postponement of Tariff Conference. If the opportunity is afforded, the Government of Queensland will make the necessary application to Parliament to enable this Colony to be represented at the Conference.
17 October, 1862.

Telegram

Telegram from the Chief Secretary of South Australia to the Colonial Secretary of Queensland.

29 October, 1862.

In reply to your telegram of 17th October, this Government greatly desire that Queensland may, if practicable, be represented at the Tariff Conference.

G. M. WATERHOUSE,
Chief Secretary.

Assistant Colonial Secretary of Tasmania to Chief Secretary of South Australia.

*Tasmania, Colonial Secretary's Office,
20 October, 1862.*

Sir,

I am directed to acknowledge the receipt of your letter of the 10th instant, notifying that the day of meeting of the delegates from the several Colonies at Melbourne has been postponed; and adverting to the proposal that the Conference should be held some time in December or January, I have to represent, on the part of the Tasmanian Government, that it will not be practicable for its delegates to attend if the date fixed be later than the middle of December.

I have the honor, &c.,
B. TRAVERS SOLLY,
Assistant Colonial Secretary.

The Honorable the Chief Secretary,
Adelaide, South Australia.

Principal Under Secretary of Queensland to Chief Secretary of South Australia.

*Queensland, Colonial Secretary's Office,
Brisbane, 25 October, 1862.*

Sir,

I have the honor to acknowledge the receipt of your letter, dated the 10th instant, enclosing a copy of a correspondence between your Government and that of New South Wales, from which it would appear that the proposed Tariff Conference is postponed to a period at present not defined, but not earlier than December or January next.

In reply, I have the honor to state that the Government of Queensland are very desirous that opportunity should be afforded this Colony of taking part in the Conference; but as Parliament will not meet until April next, and as legislative sanction cannot consequently be earlier obtained, I have now to express the wish of the Government that the intended Conference may be further postponed until June next, when it is hoped that nothing will prevent a meeting of delegates from all the Australian Colonies.

A suggestion to this effect has been made to the Government of New South Wales.

I have, &c.,
A. W. MANNING,
P. U. Secretary.

The Hon. the Chief Secretary of South Australia.

Chief Secretary of Victoria to Colonial Secretary of Tasmania.

*Chief Secretary's Office,
Melbourne, 3 November, 1862.*

Sir,

Referring to my letter of 17th October, addressed to the Honorable the Colonial Treasurer, in reply to his communication of the 14th, relative to the Conference of delegates from the several Colonies, which it was proposed should be held on the 15th October, I have the honor, by the Chief Secretary's desire, to state, for the information of the Government of Tasmania, that the time (December or January) proposed by the New South Wales Government for the meeting, appearing to the Victorian Government, on consideration, to be very inconvenient, as the Parliament of the Colony will then be in session, a communication to such effect has been addressed to the Government at Sydney, with a proposal for a postponement of the Conference till March, 1863. It is anticipated that the session will terminate about the beginning of the month.

Colonial Secretary, Tasmania.

I have, &c.,
J. MOORE,
Under Secretary.

Chief Secretary of Victoria to Chief Secretary of South Australia.

*Victoria, Chief Secretary's Office,
Melbourne, 3 November, 1862.*

Sir,

In reference to your letter of the 10th October, relative to the postponement of the meeting of the delegates from the several Colonies, I have the honor, by desire of the Chief Secretary, to state, that the time mentioned by the Colonial Secretary of New South Wales (December or January) appearing to the Government of Victoria to be very inconvenient, as the Victorian Parliament will then be in session, a communication to that effect has been addressed to the Government at Sydney, and a proposal submitted for the postponement of the Conference till March, 1863. It is anticipated that the parliamentary session will terminate about the beginning of that month.

The Hon. the Chief Secretary, South Australia.

I have, &c.,
J. MOORE,
Under Secretary.

Colonial Secretary, Tasmania, to Chief Secretary, Melbourne.

10 November, 1862.

I have to acknowledge the receipt of your letter of the 3rd inst., marked G. B. ^M₁₀, and to inform you in reply, that the time therein proposed for the meeting of the delegates in Melbourne will, in all probability, prove more convenient, so far as this Colony is concerned, than that previously fixed upon.

Chief Secretary, Melbourne.

Telegram

Telegram from the Chief Secretary of South Australia to the Chief Secretary of Victoria.

21 November, 1862.

I write to the following effect:—As Tasmania cannot send delegates if meeting be held subsequent to middle of December, and South Australia cannot (except at great inconvenience) whilst Parliament is sitting, in March next, this Government wishes the Conference to be held not later than 15th proximo, as the inconvenience of meeting at Melbourne during session will be less felt by Victoria delegates on the spot than it would be by those from other Colonies. Please give early consideration and reply, that arrangements may be made.

G. M. WATERHOUSE,
Chief Secretary.

Telegram from the Chief Secretary of South Australia to the Chief Secretary of New South Wales.

21 November, 1862.

I have telegraphed to Government of Victoria as follows:—

[See above telegram.]

G. M. WATERHOUSE,
Chief Secretary.

Telegram from the Chief Secretary of South Australia to the Colonial Secretary of Tasmania.

21 November, 1862.

I have written to the Government of Victoria, representing that it will be more convenient for Tasmania and South Australia if Conference be held not later than 15th proximo, and desiring their concurrence.

G. M. WATERHOUSE,
Chief Secretary.

Telegram from the Chief Secretary of South Australia to the Colonial Secretary of Queensland.

21 November, 1862.

[To the like effect.]

G. M. WATERHOUSE,
Chief Secretary.

Telegram from the Colonial Secretary of New South Wales to the Chief Secretary of South Australia.

26 November, 1862.

If, as I hope, the Parliament can be prorogued before Christmas, the New South Wales delegates can be in Melbourne, ready for business, the first week in January. Will that do? Little would be done during the holidays.

Chief Secretary of South Australia to Chief Secretary of Victoria.

Chief Secretary's Office,
Adelaide, 22 November, 1862.

Sir,

In reply to your letter of the 3rd instant, recommending the postponement of the proposed meeting of delegates till March, 1863, at the beginning of which month it is anticipated that the Victorian parliamentary session will terminate, I have the honor, by desire of his Excellency Sir D. Daly, to inform you that the Government of Tasmania have represented that it will not be practicable for delegates from that Colony to attend the Conference if the meeting be held subsequent to the middle of December next; and if it be postponed to March next—the period suggested in your letter—it will be extremely inconvenient for delegates from this Colony to be present, as the South Australian Parliament will then be in session.

It, would, undoubtedly, be desirable that the Conference should be held at a time when all the Australian Parliaments are in recess, but, under present circumstances, this is impossible; and it will readily be perceived that the inconvenience of meeting at Melbourne during a parliamentary session will be less felt by the Victorian delegates, who are on the spot, than it would be by the delegates from the other Colonies.

His Excellency, therefore, directs me to express his desire that the Conference of delegates be not postponed later than the 15th of next month.

I have, &c.,
G. M. WATERHOUSE,
Chief Secretary.

The Hon. the Chief Secretary, Victoria.

Chief Secretary of South Australia to Colonial Secretary of Tasmania.

Chief Secretary's Office,
South Australia, 22 November, 1862.

Sir,

With reference to your letter of 20th ultimo, 1862, representing that it will not be practicable for delegates from Tasmania to attend the Conference at Melbourne, if the date fixed be later than the middle of December, I have now the honor, by desire of his Excellency Sir D. Daly, to enclose, for your information, copy of a letter this day transmitted to the Honorable the Chief Secretary of Victoria, expressing the desire of this Government that the Conference of delegates be not postponed later than the 15th of next month.

I have, &c.,
G. M. WATERHOUSE,
Chief Secretary.

The Hon. the Colonial Secretary, Tasmania.

Telegram from the Chief Secretary of South Australia to the Chief Secretary of Victoria.

26 November, 1862.

The Sydney Government state that the New South Wales delegates can be in Melbourne the first week in January. This Government agrees to such postponement. Will not this arrangement suit you, and may it be considered final? No reply to my last telegram.

G. M. WATERHOUSE,
Chief Secretary.

Telegram

Telegram from the Chief Secretary of South Australia to the Chief Secretary of New South Wales.

26 November, 1862.

This Government agrees to your proposal to hold meeting first week in January. I have telegraphed to Melbourne accordingly.

G. M. WATERHOUSE,
Chief Secretary.

Telegram from the Chief Secretary of South Australia to the Colonial Secretary of Tasmania (via Melbourne.)

26 November, 1862.

The Sydney Government propose that the Conference be held first week in January, to which I consent. Can you not do likewise, even if you have to delay the meeting of your Parliament for a short time?

G. M. WATERHOUSE,
Chief Secretary.

Telegram from the Chief Secretary of Victoria to the Chief Secretary of South Australia.

27 November, 1862.

The Government find time named in January unsuited for a meeting of the delegates, as our session of Parliament is but recently opened, and the business is of a weighty and pressing character. March is the earliest period which we can fix. I trust our proposal will meet the views of your Government. Tasmania has signified that it will suit them; and I presume New South Wales will also find it convenient, as their session of Parliament will be over by that time. Could not the opening of the South Australian Parliament be delayed for a month in the next year, to meet the exigency?

Telegram from the Chief Secretary of South Australia to the Chief Secretary of Victoria.

2 December, 1862.

I regret that it is not in the power of this Government to comply with the request contained in your telegram of the 27th ultimo, as the South Australian Parliament must be called together not later than the last Friday in February. In this matter the Government have no option. Could there not be a temporary adjournment of your Parliament, to allow the Conference to proceed?

G. M. WATERHOUSE,
Chief Secretary.

Telegram from the Chief Secretary of Victoria to the Chief Secretary of South Australia.

3 December, 1862.

The amount of business in the session is so great, and the measures submitted to Parliament of such grave importance, that the Chief Secretary regrets that this Government is unable to adopt your suggestion of a temporary adjournment of the Victorian Parliament in order to hold the proposed Conference.

Telegram from the Colonial Secretary of Tasmania to the Chief Secretary of South Australia.

6 December, 1862.

The Tasmanian Government assents to the Conference in the first week in January, and the meeting of the local Parliament is postponed till the Conference has taken place, as suggested in your message.

Telegram from the Chief Secretary of South Australia to the Chief Secretary of Victoria.

10 December, 1862.

The Tasmanian Government have telegraphed communicating their assent to the Conference being held in the first week in January, and the meeting of the local Parliament has, in consequence, been postponed.

The Treasurer of this province (Hon. Arthur Blyth) proceeds to Melbourne per "Balclutha," in the hope that by personal communication all obstacles to an early meeting of the Conference may be removed.

G. M. WATERHOUSE,
Chief Secretary.

Colonial Treasurer, South Australia, to Chief Secretary of Victoria, Melbourne.

Menzie's Hotel, 20 December, 1862.

I have the honor to acknowledge the receipt of your letter of this day's date, giving cover to a telegram received from Tasmania for transmission to Adelaide.

In reply, I have to repeat what I personally communicated to the Honorable the Chief Secretary, viz., that the first week in January would be a convenient time for each of three Colonies—of New South Wales, Tasmania, and South Australia; that although this date was rather an inconvenient one to Victoria, in my humble opinion the three before-mentioned provinces might fairly ask for some slight consideration on account of the place of meeting being fixed here, relieving this province from many inconveniences to which the others were liable.

I regret that, in the opinion of your Government, it is undesirable to hold the Conference until after the passing of your local Government Bill; still more do I regret that any measure, however important, should be held to be of greater interest than the meeting of delegates from the several Australian Colonies, which might be the first step towards a Federal Union, and which would certainly tend to allay those jealousies and misunderstandings which already exist between Colonies living under the sway of the same Sovereign, speaking the same language, inhabiting the same continent, springing from the same race, and having in many matters, and those the most important, the same interests.

In conclusion, I would express a hope that even yet a Conference may be held, that one result at all events may spring from it, viz., that goods, the *bonâ fide* produce of one part of Australasia, may be permitted to pass free of duty to other parts of the continent, and that hostile tariffs may be avoided.

If

If, however, no Conference is held, it will not be the fault of either the Government of New South Wales, Tasmania, or South Australia.

Although returning myself to Adelaide on Monday, the 22nd instant, it will still be possible to arrange by telegram for a meeting of delegates on or about the 15th January, 1863.

I have, &c.,
ARTHUR BLYTH.

Telegram from the Colonial Secretary of New South Wales to the Chief Secretary of South Australia.

23 December, 1862.

Parliament of New South Wales is prorogued. As Parliament of Victoria is said to be adjourned to 20th January, is that to afford opportunity for holding Conference as you propose? If so, when do you suggest that we should assemble in Melbourne?

Telegram from the Chief Secretary of South Australia to the Colonial Secretary of New South Wales.

23 December, 1862.

Although the Victorian Parliament is adjourned until the 20th January, the Government of that Colony decline to accede to the holding of any Conference prior to March next.

Under Secretary, Victoria, to Colonial Treasurer, South Australia.

Chief Secretary's Office,
Melbourne, 24 December, 1862.

Sir,

By desire of the Chief Secretary, I have the honor to acknowledge the receipt of your letter of the 21st instant, referring to the proposed Conference of delegates from the Australian Colonies.

In reply, I am to state, that Mr. O'Shanassy has submitted the letter to his colleagues, who regret that they are unable to fix a meeting for a time earlier than that mentioned in former communications; and I am to express his hope that the arrangement proposed will not be looked upon as unreasonable, or made with any other intention than to bring about ultimately the main object of the Conference in relation to the tariff of the Colonies.

I have, &c.,
J. MOORE,
Under Secretary.

The Hon. Arthur Blyth, Colonial Treasurer, South Australia.

Telegram from the Colonial Secretary of New South Wales to the Chief Secretary of South Australia.

24 December, 1862.

Am I to understand, then, that the South Australian Government gives up the idea of a Conference? If not, are you prepared to consider a proposition that the other Colonies, exclusive of Victoria, meet at Sydney? It would seem as if the Melbourne Ministry desired to put off the Conference altogether; for no time is convenient to them, whether their Parliament is sitting or not sitting.

Telegram from the Chief Secretary of South Australia to the Colonial Secretary of New South Wales.

24 December, 1862.

Without consulting my colleagues, I cannot answer your telegram decidedly; but from what I know of their sentiments, I am convinced that we shall be agreed in favour of the representatives of the different Colonies, exclusive of Victoria, meeting in Conference in Sydney. It is evident that the Victorian Ministry are inimical to the Conference.

Telegram from the Chief Secretary of South Australia to the Colonial Secretary of New South Wales.

30 December, 1862.

This Government are quite prepared to adopt your suggestion as to the meeting of delegates at Sydney. January will be the most convenient time, so far as this Colony is concerned.

Telegram from the Colonial Secretary of New South Wales to the Chief Secretary of South Australia.

31 December, 1862.

Much gratified by the announcement contained in your telegram of yesterday, that the Government of South Australia adopts my suggestion regarding the Tariff Conference. As you have conducted the negotiation with the other Colonies so far, will you continue it? We are ready to receive the delegates now, so that as regards New South Wales you may make any arrangements.

Perhaps Queensland may, after all, send delegates, and I hope Tasmania will do so also. Some intimation should, I apprehend, be made to Victoria; but you will know best what to do in that respect. Please inform me when you and the other delegates are to be in Sydney.

Telegram from the Chief Secretary of South Australia to the Colonial Secretary of New South Wales.

31 December, 1862.

I have telegraphed to Queensland and Tasmania, proposing to hold the Conference at Sydney, on or about 21st January, and likewise to Victoria, to the same effect; and expressing a hope that they will not continue to decline attending a Conference evidently desired by the other Australian Colonies, and the principle of which has already received their approval.

Telegram

Telegram from the Chief Secretary of South Australia to the Colonial Secretary of Tasmania.

31 December, 1862.

As it seems impossible to make any arrangements with Victoria for a meeting of delegates in Melbourne, at a time mutually agreeable to the several Governments, this Government has agreed to a suggestion made by that of New South Wales, that the delegates of other Colonies, exclusive of Victoria, should meet at Sydney. If you agree to this course, I propose that the Conference be held at Sydney, on or about the 21st of January. Please reply at once.

[Similar to Chief Secretary, Queensland.]

Copy of Telegram from Colonial Secretary, Tasmania, for Chief Secretary, South Australia.

6 January, 1863.

The meeting of our Parliament was postponed, in the hope that arrangements might be made in Melbourne early in the present month. That having failed, and Parliament having been summoned for the 15th, the Government regret they cannot accede to the present proposal of the South Australian Government.

Telegram from Chief Secretary of South Australia to Colonial Secretary of New South Wales.

9 January, 1863.

The Queensland Government declines taking any part in the proposed Conference at Sydney. This Government, therefore, considers it would be inexpedient to proceed with the Conference until circumstances are more favourable for its assembling.

The following letter from the Chief Secretary of South Australia, to the Colonial Secretary of New South Wales, had not come to hand on the 23rd December, when Mr. Cowper sent the telegram to Mr. Waterhouse, which gave rise to the latter portion of the correspondence relative to the holding of the proposed Conference at Sydney:—

Chief Secretary of South Australia to Colonial Secretary of New South Wales.

Chief Secretary's Office,

Adelaide, 19 December, 1862.

“ Sir,

“ I have the honor, by desire of His Excellency Sir D. Daly, to inform you that I have received a telegram from Victoria (copy enclosed), informing me that the Government of that Colony decline assenting to a meeting of the Intercolonial Conference earlier than March next.

“ I have since heard to the same effect from the Honorable the Treasurer of this Province who subsequently proceeded to Melbourne, with the hope of inducing that Government to adopt a more satisfactory arrangement.

“ As a meeting in March would neither suit the convenience of this Government, nor of the others with whom I have had the honor of being in communication on the subject, I much fear that the Conference must be postponed *sine die*.

“ I beg to enclose, for the information of your Government, a copy of all the correspondence that has passed in this matter.

“ I have, &c.,

“ G. M. WATERHOUSE,

“ Chief Secretary.

“ The Hon. the Colonial Secretary,
“ New South Wales.”

Telegram from Chief Secretary of Victoria to Chief Secretary of South Australia.

Melbourne, 12 December.

This Government can only repeat its inability, for the reasons already stated, to arrange for a meeting earlier than March next.

J. MOORE.

Telegram from Colonial Secretary, Sydney, to the Chief Secretary of South Australia.

16 January, 1863.

I should deeply regret if the project of a Conference were abandoned. Can you not induce Victoria to fix a time in March, or some month earlier, if possible, for holding it?

Telegram from the Chief Secretary, South Australia, to Chief Secretary, New South Wales.

20 January, 1863.

I participate in your feelings of regret as to the abandonment of the proposed Conference, but am of opinion that any immediate attempt on the part of this Government to renew negotiations with Victoria would be fruitless.

Telegram from the Colonial Secretary, New South Wales, to the Chief Secretary, South Australia.

23 January, 1863.

The Victorian Government having, on more than one occasion, intimated a willingness to receive the delegates from the other Colonies during the month of March, have you any objection to my inquiring of Mr. O'Shanassy whether he is still prepared to carry out that arrangement? Can your delegates attend then? In your letter of 21st November last, you expressed yourself as not entirely opposed to such an arrangement.

Telegram

INTERCOLONIAL CONFERENCE.

25

Telegram from the Chief Secretary, South Australia, to the Colonial Secretary, Sydney.

27 January, 1863.

This Government have no objection to your making the inquiry you suggest, and will do all they can to facilitate the assembling of a general Conference. As the South Australian Parliament will be in session in March, the attendance of our delegates will be dependent upon a temporary adjournment of the Legislature, which power we are prepared to ask.

Telegram from the Colonial Secretary, New South Wales, to the Chief Secretary of Victoria.

28 January, 1863.

The following are copies of two telegrams which have passed between the Chief Secretary of Adelaide and myself:—

[Here follow the two preceding telegrams.]

With a view to carry out the proposed arrangement for the meeting of delegates I beg to inquire whether you will fix a time in the month of March for our assembling in Melbourne, on the subject of the Conference.

Telegram from the Under Secretary of Victoria to the Colonial Secretary, Sydney.

Any day after the 10th of March the Conference could meet in Melbourne, and this Government will be ready to act as originally suggested.

Telegram from the Colonial Secretary, New South Wales, to the Chief Secretary, South Australia.

4 February, 1863.

The following is a copy of a telegram which has passed between the Chief Secretary, Melbourne, and myself:—

[See last telegram.]

I shall be glad if you will now inform me if there is reasonable ground for our relying upon delegates from Adelaide being present. If so, have you any suggestion to make as to the actual time for meeting?

Telegram from Chief Secretary, South Australia, to Colonial Secretary, New South Wales.

Date

We will do our utmost to secure the attendance of Adelaide delegates at proposed Conference, and have reasonable grounds for believing our efforts will be successful. Our delegates would leave by the mail steamer, and will be in Melbourne on or about 17th March.

Telegram from the Colonial Secretary, New South Wales, to the Colonial Secretary, Queensland.

4 February, 1863.

Referring to the report of what passed between yourself and a deputation, as detailed in the *Sydney Morning Herald* of the 2nd instant, I would draw your attention to Mr. Herbert's letter to me of 18th December, 1861. This Government is now prepared to negotiate with that of Queensland upon the subject. It was with this view I proposed to the South Australian Government that delegates from Queensland should be invited to the Intercolonial Congress. Will you inform me what your Government desires that New South Wales should do to carry out the objects contemplated by the Acts enabling us to make a treaty. As the Congress will now be held in Melbourne on or about the 17th March, would you prefer having the Queensland and New South Wales treaty discussed then, or would you prefer having a delegate, or delegates, specially appointed by this Government to proceed to Brisbane? If so, when would your Government be prepared to receive them?

Telegram from the Colonial Secretary, Brisbane, to the Colonial Secretary, Sydney.

Sydney, 10 February, 1863.

I was unable to reply to your telegram of the 6th instant until I had consulted the Executive Council. By direction of the Governor in Council, I beg to inform you that Queensland is ready to negotiate with New South Wales on the basis of the Acts passed by our respective Parliaments, respecting Border Customs. We accept your proposal of sending a representative of New South Wales to Brisbane, and hope you will come yourself.

The Under Secretary.

Telegram from the Colonial Secretary, New South Wales, to Colonial Secretary, Brisbane.

13 February, 1863.

If nothing unforeseen occur, I shall, in compliance with the wish expressed in your telegram, be in Brisbane on or about the 1st March, when I trust that an adjustment of the Border Customs question may be made upon a basis acceptable to both Governments.

Telegram from the Colonial Secretary, New South Wales, to the Chief Secretary of Victoria.

19 February, 1863.

The following is a copy of my last telegram from Adelaide:—

[Telegram as above.]

I have now, therefore, the pleasure of intimating to you, that the delegates from Sydney, as well as those from Adelaide, will be in Melbourne on or about the 17th of March, and I sincerely hope that our discussions may be productive of benefit to the interests of the Colonies which will be represented at the Conference.

Telegram from the Chief Secretary, South Australia, to the Colonial Secretary, New South Wales.

19 February, 1863.

Is it finally settled that the Conference meets in Melbourne next month? If so, at what date?

Telegram from the Colonial Secretary, New South Wales, to the Chief Secretary, South Australia.

19 February, 1863.

It is finally arranged, as I understand, that the Conference shall be held in Melbourne, in March; but it will be very convenient to us to postpone the day of meeting for a week. Will the 24th make any difference to you?

Telegram from the Chief Secretary, South Australia, to the Colonial Secretary, New South Wales.

26 February, 1863.

We are agreeable to the assembling of the Conference on the 24th March, if that is understood as a positive and final arrangement.

Telegram from the Colonial Secretary, New South Wales, to the Colonial Secretary, Tasmania.

19 February, 1863.

It is now finally arranged that, should nothing unforeseen occur, the proposed Intercolonial Conference upon the tariff question shall be held at Melbourne, on or about the 17th March next, when delegates from Sydney will attend. As your Government agreed to send representatives, when invited by the Government of South Australia, I beg to communicate to you the arrangement which is assented to by the Government of Victoria, in order that, if you are willing to send delegates, you may have an opportunity of doing so.

Telegram from Colonial Secretary, Tasmania, to Colonial Secretary, New South Wales.

10 March, 1863.

In reply to your telegram of the 19th February, informing me of the arrangement for the meeting of delegates on or about the 17th March, I beg to inform you that this Government will appoint delegates to meet those from the other Australian Colonies. I shall be glad to know, in reply, if any change has been determined upon as to the time of meeting, as I observe in a Melbourne newspaper, it is stated that the 24th of this month had been fixed upon as the time for the delegates to meet.

JAMES WHYTE,
Colonial Secretary.

Telegram from Colonial Secretary, New South Wales, to Chief Secretary, Melbourne.

17 March, 1863.

The delegates from New South Wales will be in Melbourne by the "Northam" mail steamer, ready to proceed with the Intercolonial Conference immediately on arrival.

Colonial Secretary, New South Wales.

Chief Secretary of Victoria to The Honorable the Colonial Secretary of Tasmania.

Chief Secretary's Office,
Melbourne, 19 March, 1863.

Sir,

By desire of the Chief Secretary, I have the honor to acquaint you that a telegram, dated the 17th March, has been received from the Colonial Secretary, at Sydney, intimating that the delegates from New South Wales will be in Melbourne by the "Northam" mail steamer, ready to proceed with the Intercolonial Conference immediately on arrival.

I have, &c.,
J. MOORE,
Under Secretary.

The Honorable the Colonial Secretary,
Tasmania.

Murray River Customs.

The Acting Colonial Secretary of New South Wales to the Colonial Secretary of Victoria.

Colonial Secretary's Office,
Sydney, 12 September, 1855.

I AM requested by His Excellency the Governor General to request that you would bring under the notice of His Excellency Sir C. Hotham the impediments which the arrangements for the collection of Customs duties on the line of frontier between New South Wales and Victoria present to that unrestricted intercourse which should prevail between the inhabitants of two Colonies whose interests are identical.

2. The inconvenience which has already been caused to the settlers in the districts bordering upon this frontier has been very great—sufficient, indeed, it is believed to induce an extensive system of smuggling. That inconvenience will, of course, be increased as the population on either side of the boundary becomes more dense, while the difficulties which will be experienced by the Government in checking smuggling and in collecting the revenue will be enhanced from day to day.

3. The system now in force is one which, while it may be fairly applied when the people who reside on the opposite sides of the river differ from each other in character and habits, and are, besides, subjects of a different Government, is, in the opinion of Sir W. Denison, altogether inapplicable to New South Wales and Victoria, where the people on either side of the Murray speak the same language, are engaged in the same occupations, and are subjects of the same Sovereign.

4. The effect of the establishment of these internal Custom Houses is to compel those on either side of the frontier, who may from position or circumstances be desirous to procure their supplies from the other side of the river, to pay double duty upon all dutiable articles. There is also this marked evil effect—that a system of smuggling is induced, which in its turn is sure to generate among the inhabitants of these remote districts an habitual disregard of law.

5. Under these circumstances, the Governor General is desirous to suggest to Sir Charles Hotham the advisability of an agreement between the Governments of these two Colonies, to the effect that no attempt shall be made to impose any restriction upon the intercourse between the inhabitants residing on different sides of the line separating New South Wales from Victoria; that, in point of fact, no duties shall be levied except on the seaboard.

6. His Excellency is aware that at present the duties levied upon several articles of import are higher in Victoria than in New South Wales, and that an objection may be made to the scheme as proposed, on the ground of the difference, which might in certain cases tempt the settler in Victoria to purchase his stores in New South Wales. This objection, however, Sir W. Denison proposes to meet by an assimilation of the tariffs of the two Colonies; and he is prepared to submit to the Legislature of New South Wales the adoption, with a trifling exception in the case of refined sugar, of the tariff of duties now levied in Victoria upon imported articles, leaving any modification which it may hereafter be desirable to make in these duties, for future discussion between the Governments of these Colonies.

7. Sir W. Denison feels certain that Sir C. Hotham will not have overlooked the evils arising from the restrictions of intercourse between the people residing on either side of a mere arbitrary line, which must necessarily result from the vexatious interference of Custom House officers. An evil which has caused, even in Germany, the abolition of all internal Custom Houses, ought not to be reproduced in Australia.

I have, &c.,

C. D. RIDDELL.

The Hon. the Colonial Secretary, Victoria.

Commercial Intercourse with New South Wales, by the River Murray.

Proclamation by His Excellency Sir Charles Hotham, Knight Commander of the Most Honorable Military Order of the Bath, Captain General and Governor-in-Chief of the Colony of Victoria, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS by an Act of the Governor and Legislative Council of the Colony of Victoria, passed in the seventeenth year of the reign of Her present Majesty, intituled, "An Act to amend an Act intituled 'An Act for the General Regulation of the Customs in the Colony of Victoria,'" it was amongst other things enacted that it should be lawful for the Governor of Victoria, with the advice of the Executive Council, to make regulations and arrangements with the Governor of New South Wales and the Governor of South Australia, for the importation of goods by or across the River Murray, and for the imposition of duties and the amount thereof on such goods, or the exemption of the same from duties, and the recovery of duties on goods so imported into the said Colony, and the repayment of such duties, and in other respects so to regulate the trade on the said river as might be from time to time agreed upon by the said Governor of Victoria with the Governors of New South Wales and South Australia, or either of them: Now, I, the Governor of Victoria aforesaid, do hereby notify and proclaim that I have, with the advice of the Executive Council, made with the Governor General of New South Wales the following arrangements, that is to say:—

1. From and after the 1st day of November, 1855, no import duties will be levied by the Government of Victoria, on goods brought from New South Wales into Victoria across the River Murray, and no import duties will be levied by the Government of New South Wales on goods brought from Victoria into New South Wales across the River Murray.

2. The proceeds of the collections by the Government of South Australia, in respect of dutiable goods brought up the River Murray for consumption, either in Victoria or New South Wales, will be equally divided between Victoria and New South Wales.

Given under my hand and the seal of the Colony, at Melbourne, this twenty-ninth day of October, in the year of our Lord one thousand eight hundred and fifty-five, and in the nineteenth year of Her Majesty's reign.

CHARLES HOTHAM.

By His Excellency's Command,

W. C. HAINES.

GOD SAVE THE QUEEN!

1863.

NEW SOUTH WALES.

INTERCOLONIAL CONFERENCE AND BORDER CUSTOMS.
(FURTHER CORRESPONDENCE AND TELEGRAMS WITH REFERENCE TO.)

Presented to both Houses of Parliament, by Command.

SCHEDULE.

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INTERCOLONIAL CONFERENCE AND BORDER CUSTOMS.

No. 1.

COLONIAL SECRETARY, NEW SOUTH WALES, to CHIEF SECRETARY, VICTORIA.

Melbourne, 11 April, 1863.

SIR,

As the proceedings of the Intercolonial Conference are now drawing to a close, I have the honor to inquire whether the Government of Victoria is willing to co-operate with the Government of New South Wales, in an arrangement for securing to the revenue of that Colony the Customs duties upon goods imported overland from Victoria.

I beg to enclose a copy of the Act passed by the New South Wales Parliament, authorizing the completion of a treaty for the equitable settlement of this question, and also of the resolution passed by the Legislative Assembly, shewing that, in sanctioning the appointment of delegates to the Conference, a primary object was the attainment of the same end.

As the negotiation may be facilitated by personal communication, and as the delegates are anxious to return with as little delay as possible, I shall feel much obliged by an early reply to this inquiry.

I have, &c.,

CHARLES COWPER.

No. 2.

EXTRACT of Letter from the Under Secretary, Melbourne, to the Colonial Secretary of New South Wales.

Mr. O'Shanassy desires me to say he regrets that he is unable to give an immediate reply to your letter of the 11th, in consequence of the absence of several Members of the Government, who were summoned to a Cabinet Meeting this day, and which is, therefore, of necessity postponed till Thursday next. I am also to mention that the correspondence relating to the duties in question is in the hands of the Commissioner of Trade and Customs, one of the absent Ministers, and is not available to Mr. O'Shanassy.

J. MOORE.

No. 3.

TELEGRAM from CHIEF SECRETARY, VICTORIA, to COLONIAL SECRETARY, NEW SOUTH WALES.

24 April, 1863.

Telegram has been received from the Government of South Australia, of which the following is a copy :—

“ Adelaide, 24 April, 1863.

“ Full particulars of the Conference having been received by telegraph from Melbourne, we purpose, on re-assembling of Parliament next Tuesday, to make no secret of anything that has been agreed to, except so far as concerns the tariff.”

Chief Secretary I have replied as follows :—“ This Government has observed the strictest secrecy with regard to what passed at the Conference to the present hour. The *Melbourne Herald* of this day copies an article from the *Hobarton Advertiser* of the 20th instant, purporting to give an entire outline, the result of the Conference, under different heads, excepting only the details of the tariff. It is further stated, the Premier and Treasurer of Tasmania submitted the Report of the Conference to the Governor on Saturday last. It appears also, by a telegram from Sydney, published in this morning's papers, that the substance of the Report of the Conference has been transmitted from Sydney to Melbourne. Unless released from our obligation by the Government of New South Wales, as well as by your Government, we shall not feel ourselves at liberty to adopt the course you purpose to take on the re-assembling of your Parliament, on Tuesday, or to give your sanction to any disclosure of the proceedings by you. A copy of your telegram, and also of this, has been transmitted to the Government of New South Wales, and we await your reply.”

I also await your answer.

No. 4.

TELEGRAM from SECRETARY TO THE CONFERENCE to COLONIAL SECRETARY, NEW SOUTH WALES.

24 April, 1863.

A telegram is on its way to you from Mr. O'Shanassy, shewing that the Tasmanian delegates seem to have lost no time in divulging the proceedings of the Conference. As the other Governments will now probably make known the Report and Minutes, I take the liberty of suggesting, as it will depend on your Government whether the proceedings are published or not, that care ought to be taken to keep back so much of them as indicate the day on which it is intended to bring the tariff on; it is stated without any concealment in the Minutes of Monday, the 13th instant.

No. 5,

No. 5.

TELEGRAM from COLONIAL SECRETARY, NEW SOUTH WALES, to CHIEF SECRETARY, VICTORIA.

25 April, 1863.

The delegates from New South Wales cannot be any party to a breach of compact entered into in Conference as regards secrecy of proceedings. This Government has maintained it in its integrity. All the telegraphic information to which you refer as published in Sydney came from Melbourne.

No. 6.

TELEGRAM from CHIEF SECRETARY, VICTORIA, to COLONIAL SECRETARY, NEW SOUTH WALES.

27 April, 1863.

I forward duplicate of my answer to South Australian Government, and I also send you the answer of that Government to me, in reply to my refusal to consent, on the part of Victorian Government, to publication.

[Enclosure in No. 6.]

Copy of Telegram from J. O'Shanassy, Esq., to Colonial Secretary, South Australia.

27 April, 1863.

Answer received, stating that the New South Wales Government can be no party to publication of proceedings of Conference, until the day is fixed. Victorian Government concur in this, as they originally agreed to do. The New South Wales Government state that it has preserved its promise of secrecy, and that the telegrams already published came from Melbourne. I was informed to-day by a friend that Greville & Bird manufactured the telegrams from the Hobart Town papers, and gave them to the *Argus* and *Age*. Inquiry shall be made.

MEMO.—This message was delayed in consequence of the Melbourne offices having sent the wrong number of words at first.

Copy of Telegram from Chief Secretary, South Australia, to Chief Secretary, Victoria.

27 April, 1863.

I have received your telegram. This Government agree with you, that without the sanction of New South Wales the proceedings of the Conference should not be divulged until the day fixed by delegates. I shall be glad to hear the result of your telegrams to New South Wales as soon as possible.

No. 7.

UNDER SECRETARY, VICTORIA, to COLONIAL SECRETARY, NEW SOUTH WALES.

(Victoria.)

Chief Secretary's Office,
Melbourne, 4 May, 1863.

SIR,

Your letter of the 11th of April having been submitted to the Honorable the Commissioner of Trade and Customs, the Chief Secretary has received from Mr. Anderson a statement of his views upon the subject of duties on goods crossing the River Murray, a copy of which, by desire of Mr. O'Shanassy, who is absent from town, I have the honor to transmit.

I have, &c.,

J. MOORE,
Under Secretary.

Department of Trade and Customs.

[Enclosure in No. 7.]

Department of Trade and Customs,
Melbourne, 29 April, 1863.

In returning the letter of the Honorable the Chief Secretary of New South Wales of the 11th instant, in which the co-operation of this Government is sought to secure to the revenue of that Colony the Customs duties upon goods imported overland from Victoria, I do not consider it necessary to repeat the reasons which have so frequently been given by the Government of this Colony against complying with this request.

The system of collecting Border Customs on the River Murray was abolished in October, 1855, on the grounds contained in the despatch of Mr. Riddell, Acting Colonial Secretary of New South Wales, under date 12th September of that year, to which despatch I would refer, as containing unanswerable objections against the re-establishment of Border Custom Houses.

I would also beg leave to refer to the communications of my predecessor, Mr. Pyne, on the subject of Border Customs, under date 6th August and 17th September, 1860, in which that gentleman, at great length, adduces reasons why the Government of Victoria should decline to entertain a former application from Mr. Cowper of a character similar to the present, which reasons I enclose, and re-submit, as grounds for refusing to comply with the present application.

In

In addition, however, to the very sufficient arguments contained in the documents to which I have referred, against the continuance or re-establishment of Border Custom Houses, I would respectfully suggest that Mr. Cowper's attention should be directed to the fact that, in the years 1857 and 1858, the Government of New South Wales received, under terms of the agreement of October, 1855, sums amounting to £16,184 10s., as its share (being one-half) of the Customs' duties collected on River Murray borne goods; and although it was notorious that nine-tenths of the dutiable goods so carried were landed in Victoria, and consumed on the Northern Gold Fields of this Colony, yet no attempt was either made, or threatened to be made, by the Victorian Government, to re-establish the Border Customs system, although on River Murray borne goods it could have been done simply, efficaciously, and inexpensively; whereas no system could be adopted, save at an expense utterly incommensurate with the object, to collect, with any degree of efficiency, duties payable on goods merely borne across the river.

The Government of New South Wales is now of opinion that free trade across the Murray is detrimental to the revenue of that Colony; but the present condition of things in that respect may be reversed within a period of three years, and yet I observe it is only for such a period that the Act of the New South Wales Legislature empowers its Government to enter into a treaty, leaving it open to that Government to decline a renewal of the agreement, should circumstances render such a renewal unfavourable to the interests of that Colony.

I think, however, it would be well to request Mr. Cowper to submit a distinct proposition regarding the appropriation of the revenue raised from dutiable goods carried across the Murray from and into Victoria, as he may possibly be in possession of a feasible and equitable project which I fail to perceive, and any such project shall receive my prompt and careful consideration.

ROBERT S. ANDERSON.

No. 8.

COLONIAL SECRETARY, NEW SOUTH WALES, to CHIEF SECRETARY, VICTORIA.

11 May, 1863.

SIR,

I have the honor to acknowledge the receipt of Mr. Anderson's minute, which he has submitted in reply to the letter which I addressed to you when in Melbourne on the 11th ultimo.

Mr. Anderson alludes to the correspondence which took place between the Governments of Victoria and New South Wales, in the year 1855, with reference to the system of collecting Border Customs on the River Murray, but I would observe that this has nothing to do with the question in its present state. It may be remarked that Sir William Denison acted on the occasion referred to without asking for the sanction of the Legislature, and although the arrangement was not disallowed by the Council of the day, it cannot be denied that there has been a growing feeling of dissatisfaction on the part of New South Wales with it.

It was on this account that the Parliament passed the Act, a copy of which I enclosed in my former letter; and the Executive Government is now charged with the duty of arranging for a treaty, by which such a sum as may be deemed equitable shall be paid by Victoria to New South Wales for duties collected by the former Colony, for goods consumed within the limits of the latter.

Whatever arguments may be urged against the establishment of Border Custom Houses, they have been considered and already determined upon; and I beg entirely to dissent from Mr. Anderson's opinion, that "no system could be adopted save at an expense utterly incommensurate with the object, to collect with any degree of efficiency, duties payable on goods merely borne across the river."

Without, however, desiring to prolong the discussion, I would, in compliance with Mr. Anderson's requests, make the following propositions, either of which will be acceptable to this Government:—

First—That the duties upon goods consumed by the inhabitants of both Colonies should be divided at stated periods rateably according to the populations; or

Secondly—That localities should be fixed upon and proclaimed as Crossing Places, where also parties having dutiable goods for transit should be allowed, under a system of permits, to remove them from one Colony to the other, and the revenue at stated periods be settled between the respective Governments. This system has been agreed upon already between the Governments of New South Wales and Queensland; or

Thirdly—That after fully considering the probable amount of revenue at present lost yearly by New South Wales, from the non-collection of the duties upon goods imported across the Murray River, and consumed within her territory, a fixed annual sum should be agreed to be paid in satisfaction of the amount to which she is legally entitled. It is submitted that no difficulty whatever could be experienced in determining such amount.

The completion of a treaty upon either of these bases would tend to remove a feeling, which is now entertained by the Government and Parliament of this Colony, that New South Wales does not receive that revenue to which she is entitled, and would render unnecessary a recourse to steps which, however inconvenient, must be resorted to, in order that the law may be carried out in the Border Districts, as it is in all other parts of the Territory.

I shall be obliged by an early reply to this communication, as the financial arrangements of this Government may be materially affected by your determination.

I have, &c.,

CHARLES COWPER.

No. 9.

TELEGRAM from COLONIAL SECRETARY, NEW SOUTH WALES, to CHIEF SECRETARY,
SOUTH AUSTRALIA.

25 May, 1863.

The Government of Victoria not having as yet assented to any arrangement with this Government, regarding the collection of Border Customs Duties, the Parliament will not be assembled here as was conditionally agreed to.

No. 10.

CHIEF SECRETARY, VICTORIA, to COLONIAL SECRETARY, NEW SOUTH WALES.

(Victoria.)

Chief Secretary's Office,
Melbourne, 30 May, 1863.

SIR,

I have the honor to acknowledge the receipt of your letter of the 11th instant, in further reference to the subject of duties on goods crossing the River Murray.

With regard to the second paragraph of the communication, I would remind you that, when Sir William Denison came to the conclusion that it was not for the interest of either of the Colonies that border duties should be collected, he was moved by the reasons set forth in Mr. Riddell's despatch of the 12th of September, 1855. The same reasons, I may be permitted to say, hold good at the present day, and do not admit of controversy.

With reference to the argument that Victoria should enter into the arrangement you propose, because Queensland has entered into a similar one, it appears to me to have no force, as it remains yet to be proved whether an effective check can by any means be maintained along a border of such great extent.

Further, I would observe that, as no treaty made under the New South Wales Act could be in force for a longer period than three years, whatever agreement might be entered into at the present day would still leave the question as much at sea as ever, when that short period had elapsed.

Viewing the great benefits which New South Wales derives from the increased facilities afforded to her traffic by the Victorian Railway, the large consumption of her surplus stock by the people of this Colony, the prospective consumption in Victoria of her wines from the Murray Bank Vineyards, and her home-grown tobacco, I consider it may fairly be contended that the free passage of the Murray is not more than an equivalent for the advantages reaped by New South Wales from her proximity to Victoria.

It only remains for me to add that, failing to discover any equitable grounds for disturbing the existing arrangement entered into at the instance of the Government of New South Wales, I am unable to convey the assent of this Government to any of the three propositions you submit.

I have, &c.,
JOHN O'SHANASSY.

No. 11.

TELEGRAM from CHIEF SECRETARY, VICTORIA, to COLONIAL SECRETARY, NEW SOUTH WALES.

3 June, 1863.

The South Australian Government were asked by telegram, yesterday, what course they intended to pursue with regard to the Report of the Conference. The following is a copy of the answer received:—

“ Adelaide, 2 June.

“ We carry into effect the engagements entered into at Conference, which we deem “ binding upon us until we are relieved by the general concurrence of those who were parties “ to the Conference. Does Mr. Cowper see any objection to my laying before our Parliament “ the result of the deliberation of the Conference ?”

No. 12.

TELEGRAM from COLONIAL SECRETARY, NEW SOUTH WALES, to CHIEF SECRETARY,
VICTORIA.

4 June, 1863.

Thanks for telegram. Your letter of the 30th ultimo, received to-day, finally refusing to make any arrangement respecting border duties, relieves this Government from its conditional acquiescence in the Conference proceedings.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

PAYMENTS MADE OUT OF PUBLIC FUNDS WITHOUT
AUTHORITY OF PARLIAMENT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
18 August, 1863.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1863.

[Price, 2s. 1d.]

90—

1863.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 4. FRIDAY, 26 JUNE, 1863.

4. Payments made out of Public Funds without authority of Parliament :—Mr. Martin moved, pursuant to notice,—
- (1.) That a Select Committee of this House be appointed to inquire into, and report upon, all instances, during the last three years, in which payments have been made out of the Public Funds of this Colony without the authority of Parliament, with liberty to send for persons and papers.
- (2.) That such Committee consist of the following Members :—Mr. Cowper, Mr. Wilson, Mr. Piddington, Mr. W. Forster, Mr. Samuel, Mr. Eagar, Mr. Macleay, Mr. Harpur, Mr. Dalley, and the Mover.
- Debate ensued.
- And Mr. Sadleir requiring that the said Committee be appointed by Ballot,—
- Question,—That a Select Committee of this House be appointed to inquire into, and report upon, all instances, during the last three years, in which payments have been made out of the Public Funds of this Colony without the authority of Parliament, with liberty to send for persons and papers,—put and passed.
- Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed:—Mr. Martin, Mr. Cowper, Mr. Caldwell, Mr. Arnold, Mr. Dalley, Mr. Darvall, Mr. Lucas, Mr. Burdekin, Mr. Egan, and Mr. Holt.
-

VOTES, No. 33. TUESDAY, 18 AUGUST, 1863.

5. Payments made out of Public Funds without Authority of Parliament :—Mr. Martin, as Chairman, brought up the Report from, and laid upon the Table the Minutes and Proceedings of, and Evidence taken before, the Select Committee to whom this subject was referred on 26th June last, together with Appendix.
- Ordered to be printed.
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1863.

PAYMENTS MADE OUT OF PUBLIC FUNDS WITHOUT AUTHORITY
OF PARLIAMENT.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 26th June last, “to inquire into, and report upon, all instances, during the last three years, in which payments have been made out of the Public Funds of this Colony, without the authority of Parliament, with liberty to send for persons and papers,”—have agreed to the following Report:—

Your Committee have examined the Auditor General, and the Colonial Architect, and some of the Officers in the Department of the latter Officer; and the information which they have obtained from those witnesses, in reference to the matters which your Committee were directed to inquire into, has, for more ready reference, been given in tabular Appendices to the oral examinations. Your Committee submit these Appendices, with the Evidence, for the consideration of your Honorable House.

JAMES MARTIN,
Chairman.

Legislative Assembly Chamber,
Sydney, 18 August, 1863.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 1 JULY, 1863.

MEMBERS PRESENT :—

Mr. Martin,	|	Mr. Cowper,
		Mr. Egan.

Mr. Martin called to the Chair.

Copies of Votes No. 4, (*Entry 4*), containing the Resolution appointing the inquiry, on the Table.

Committee deliberated as to their course of proceedings.

It was Resolved,—That W. C. Mayne, *Auditor General*, be summoned to attend as a witness, to-morrow, at 11 o'clock, and be prepared with such documentary evidence as may enable him to afford the Committee the information alluded to in the Resolution of the House appointing this Committee.

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

THURSDAY, 2 JULY, 1863.

MEMBERS PRESENT :—

Mr. Martin in the Chair.

Mr. Cowper,	|	Mr. Arnold,
Mr. Caldwell,		Mr. Burdekin,
Mr. Lucas,		Mr. Egan.

Mr. W. C. Mayne, *Auditor General*, called in and examined.

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

TUESDAY, 7 JULY, 1863.

MEMBERS PRESENT :—

Mr. Martin in the Chair.

Mr. Cowper,	|	Mr. Burdekin,
Mr. Dalley,		Mr. Caldwell,
		Mr. Egan.

Mr. W. C. Mayne, *Auditor General*, further examined.

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

Witness withdrew.

Mr. Henry Chapman, *Chief Clerk, Colonial Architect's Department*, called in and examined.

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

Witness withdrew.

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

FRIDAY, 10 JULY, 1863.

MEMBERS PRESENT :—

Mr. Cowper,	|	Mr. Lucas,
Mr. Dalley,		Mr. Burdekin,
Mr. Egan,		Mr. Caldwell.

In the absence of the Chairman, Mr. Egan took the Chair.

Committee deliberated, and—

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

WEDNESDAY, 15 JULY, 1863.

MEMBERS PRESENT :—

Mr. Martin in the Chair.

Mr. Egan,	|	Mr. Lucas,
Mr. Cowper,		Mr. Arnold.

Mr. J. M'Cracken, *Clerk of Works, Colonial Architect's Department*, called in and examined.

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

Day Book produced.

Witness withdrew.

Mr. Robert Orford, *Foreman of Works, Colonial Architect's Department*, called in and examined.

Witness withdrew.

Committee deliberated, and—

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

WEDNESDAY,

WEDNESDAY, 22 JULY, 1863.

MEMBERS PRESENT :—

Mr. Martin in the Chair.

Mr. Arnold,	|	Mr. Dalley,
		Mr. Cowper.

The Auditor General further examined.

Statement of the Acts of Appropriation by which the items of expenditure, or any of them set forth in Return A. No. 1, have been covered, *handed in.* (*Vide List of Appendix.*)

Further Returns to be furnished.

Witness withdrew.

Mr. James Barnet, *Acting Colonial Architect*, called in and examined.

Returns shewing the details of the expenditure, during the last three years, at Government House, to be furnished.

Requisitions from Government House, during last three years, for goods and works, *handed in.* (*Vide List of Appendix.*)

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

WEDNESDAY, 29 JULY, 1863.

MEMBERS PRESENT :—

Mr. Holt,	|	Mr. Cowper,
		Mr. Lucas.

In the absence of the Chairman, Mr. Holt took the Chair.

The Auditor General further examined.

Two Returns, asked for at the last meeting, *handed in.* (*Vide List of Appendix.*)

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

FRIDAY, 31 JULY, 1863.

MEMBERS PRESENT :—

Mr. Martin in the Chair.

Mr. Cowper,	|	Mr. Dalley,
Mr. Egan,		Mr. Caldwell,
Mr. Lucas,		Mr. Burdekin,
		Mr. Arnold.

Committee met pursuant to summons.

Mr. W. C. Mayne, *Auditor General*, further examined.

Witness withdrew.

Mr. J. Barnet, *Acting Colonial Architect*, called in and further examined.

Returns, asked for by the Committee, *handed in.* (*Vide List of Appendix.*)

Witness withdrew.

Committee deliberated, and—

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

FRIDAY, 7 AUGUST, 1863.

MEMBERS PRESENT :—

Mr. Martin in the Chair.

Mr. Cowper,	|	Mr. Caldwell,
Mr. Arnold,		Mr. Holt,
Mr. Burdekin,		Mr. Lucas.

Committee deliberated.

Chairman requested to prepare Draft Report.

Ordered, That copies of the Evidence be circulated amongst the Members of the Committee, prior to next meeting.

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

TUESDAY, 18 AUGUST, 1863.

MEMBERS PRESENT :—

Mr. Martin in the Chair.

Mr. Arnold,	|	Mr. Burdekin,
Mr. Cowper,	|	Mr. Caldwell,
Mr. Lucas,	|	Mr. Egan,
Mr. Holt,	|	Mr. Dalley.

Committee met pursuant to summons.

Chairman submitted Draft Report.

The same read.

Committee deliberated.

Motion made (*Mr. Cowper*), and *Question*—That the Draft Report be printed and circulated, prior to its adoption by the Committee.

Committee deliberated.

Motion by leave withdrawn.

Motion made (*Mr. Lucas*), and *Question*—That the Report, as read, be the Report of this Committee—*agreed to*.

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1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

PAYMENTS MADE OUT OF PUBLIC FUNDS WITHOUT
AUTHORITY OF PARLIAMENT.

WEDNESDAY, 2 JULY, 1863.

Present:—

MR. ARNOLD,		MR. COWPER,
MR. BURDEKIN,		MR. EGAN,
MR. CALDWELL,		MR. LUCAS,
	MR. MARTIN.	

JAMES MARTIN, ESQ., IN THE CHAIR.

William Colburn Mayne, Esq., called in and examined:—

1. *By the Chairman*: You are the Auditor General? Yes.
2. Are you made acquainted with all payments out of the Consolidated Revenue Fund? I am. W. C. Mayne,
Esq.
3. Where are the vouchers, which justify these payments, ultimately deposited? In my office. 2 July, 1863.
4. Have you been making any inquiries in your office, with the view to enable you to give the Committee information with reference to the matters they are appointed to inquire into? Yes; I directed, even before receiving the summons of the Committee, a statement to be prepared in accordance with the wording of the Order of the House.
5. Has that statement been prepared? It is in course of preparation.
6. How long will it take to complete it? I should hope to have it for the Committee on Tuesday next. I shall, at all events, have completed, I have no doubt, the two first years of it.
7. Have you directed it to be made out to the date of the appointment of the Committee? Yes, in strict accordance with the terms of the resolution appointing the Committee.
8. Without your books, or without that paper which is in course of preparation, are you in a position to give the Committee any information at all in reference to the matters they are inquiring into? Generally, I have no doubt I can. I would not like to commit myself to strict details, speaking merely from memory.
9. Are the instances numerous in which payments have been made out of the Consolidated Revenue Fund without the authority of an Act of Parliament? Yes.
10. Can you state, in round numbers, how much has been so expended within the last three years? Certainly not.
11. Is the amount very large? I have no doubt it is; in fact, the Supplementary Estimates laid before Parliament every year will give almost an idea of what it is. The Supplementary Estimate affords numerous instances of expenditure in anticipation of parliamentary votes.
12. What do you mean by expenditure in anticipation of parliamentary votes? In excess of the actual appropriation; of course looking to a vote of Parliament afterwards.

- W. C. Mayne, Esq.
2 July, 1863.
13. Am I to understand that there have been no payments out of the Consolidated Revenue Fund, unjustified by Act of Parliament, except in those cases where there has been some amount appropriated for a particular service, and a larger sum has been devoted to that service than has been voted? No, I cannot say so; I believe there have been issues from the Consolidated Revenue in cases where there has not been any appropriation.
14. Are these instances very numerous? I believe not.
15. Are you aware of any instances in which sums voted for particular purposes have been applied to other purposes entirely different? There have been instances doubtless, but always upon the authority of the Governor and Executive Council.
16. What I want to ascertain from you is the fact? No doubt there have been instances of the kind.
17. Are there many instances of that kind? * No doubt there are, although I would not charge my memory with the number.
18. Will the return you have directed to be prepared furnish the information required on this matter? Yes.
19. Can you state, in round numbers, how much money has been expended in improvements about Government House and the grounds connected with it, during the last three years? Not from memory.
20. Has your attention been directed to that expenditure lately? Not particularly.
21. Can you state whether as much as £8,000 has been expended during the last twelve months, in and about Government House? I cannot say; I have no idea that such a sum has been expended, but I cannot say from memory.
22. Through what department would that expenditure come? It would depend—if it were for the building, from the Colonial Architect's department.
23. If on the ground? If it were for actual work upon the ground, it would come most likely through the Director of the Botanic Gardens. I know that some works that were carried out there did come through his accounts.
24. Could you supply the Committee with a separate list of the sums expended in and about the Government House and adjacent grounds, during the last three years? Certainly I can; that is, so far as the accounts have been rendered to me, although there may be things that have been paid for, coming strictly within the parliamentary appropriation which I cannot say applied to the Government Domain, for the vote is a general one for the Domains.
25. Are the payments made at the Treasury before you are made acquainted with the expenditure, or afterwards? Afterwards—in almost every case afterwards. The present system is to give bank credit to the heads of the several departments, and the payments from the Treasury cover them.
26. Before the actual payment takes place—? From the Consolidated Fund?—
27. What I want to know is, whether the payments are made out of these sums which are advanced to the different departments? No sums are advanced; it is a mere arrangement with the bank, by which the officers are allowed credits at the bank, and then at the end of the month, from the Consolidated Revenue these payments are covered.
28. Have you had occasion to object to payments as not being authorized by Parliament? Frequently.
29. How have your objections been met? In almost every case by the authority of the Governor and Executive Council being furnished to me.
30. Have the cases been numerous in which you have made such objection, which has been so disposed of? Very frequently; where different officers have not furnished me with an authority for any payment. In fact, where an item appears in any account which does not appear in the appropriation, I refuse to pass it unless I am furnished with a sufficient authority by the paying officer.
31. What are the authorities you require? The authority of the Governor and Executive Council, if there is no appropriation. That is the only authority that suffices me.
32. You are aware that all payments must be made by warrant from the Government? Certainly.
33. You are not aware that any payments have been made without such warrant? Certainly not. I would not pass any payment without a warrant. You will clearly understand me; from the Consolidated Revenue Fund, payments may be made from the credit of officers, but until they come from them to me, to be covered by payments from the Consolidated Revenue Fund, I can take no notice of them.
34. It is possible for payments to be made by the bank of which you have no knowledge? Within the credit up to the end of the month.
35. Have you had occasion to object to payments with reference to certain parapets and fountains in front of Government House? I believe there were certain portions of those works on which queries were raised by me to the Colonial Architect, when the accounts were sent in. Those accounts having been sent back for query, I have not yet received a satisfactory explanation. It is my impression that I had to raise queries upon those points, the necessary authority not having been produced to me.
36. How long is it since you sent the papers to the Colonial Architect's department, in reference to that particular matter? It must be several months since. I first raised the queries, which I had to repeat and finally had to report, not having had answers upon them. I speak from memory—I believe these were included in these queries.

37.

* NOTE (on revision) :—My answer to this question was given without sufficient reference to the terms "entirely different," in the question but one preceding. So far from there being many instances in which sums appropriated for particular purposes have been applied to others "entirely different," such instances have been very few indeed.

37. Do you remember any of the particulars connected with that expenditure? I do not remember anything particular; the thing that is in my memory at present is, that my queries were directed to the charge of some vases for the garden at Government House; but I am speaking entirely from the impression on my memory. W. C. Mayne,
Esq.
2 July, 1863.
38. Would there be any difficulty in bringing here all the requisite books that would enable you to answer the questions, without the delay of the written reports? It will require a considerable number of documents; and unless I know the queries to be addressed to me, it would take some time to look through the books to answer them; but I apprehend the statement I shall furnish will largely facilitate that.
39. If you had your books here, would you not be able to point out very readily the total expenditure connected with these improvements of Government House? Yes.
40. Without that, you can give no information? Without the books?—it is from the books the statement must be taken. I can prepare myself, if you indicate the points on which you require information, to give it.
41. Were you not requested, in the letter which summoned you to-day, to prepare yourself with the information? To bring documents; but as I have said, the statement I have directed to be prepared being only in progress, it would be impossible, until it is finished, exactly to pick out the different points you require.
42. Can you state what amount of salary is being paid to officers under the new Land Act, commonly called Torrens' Act? I cannot state from recollection the several salaries.
43. Are you aware what salary Mr. Holden is getting? The impression on my mind is, either £1,000 or £1,200, but I cannot say positively at this moment.
44. Can you state what is Mr. Dick's? No, but the impression on my mind is, that he has £1,000 a year; and having reference to that impression, I think Mr. Holden's must be larger.
45. Are these payments made out of the Treasury? Yes.
46. Is it the fact that all these payments are unauthorized by Act of Parliament? As far as I am aware.
47. Did you raise objection to the payment of these salaries? I was furnished with a minute of the Governor and Executive Council, authorizing the payment.
48. And you had the Governor's warrant? Yes.
49. Are you aware that the minute of the Executive, really contains no authority whatever? No legal authority, but to an officer of the Executive, of course the Governor's authority is a warrant.
50. Are you aware that there is nothing in the Constitution Act which gives the Executive Council power to withdraw money from the Colonial Treasury? Certainly.
51. Can you state when the first payment of salary to Mr. Holden and Mr. Dick was made? I cannot; but the impression on my mind is, that it would most probably be in February. If I recollect rightly, the Act came into operation at the commencement of the year, and their duties then commenced, but I am not positive upon that point. That is a matter I can readily ascertain, and furnish the Committee with.
52. Are there many public works on which moneys have been expended, and in reference to which there has been no vote of Parliament whatever? I do not, at this moment, recall such a case; I can recall instances of considerable expenditure upon public works already commenced.
53. In excess of the sums voted? Yes, in excess of the sums voted; for instance, the Museum.
54. Can you state, in round numbers, the amount already expended upon that building, in excess of the sums voted? Not the amount expended; I can state the amount authorized—I think it was £11,000.
55. Did you object to that expenditure? I was furnished with a minute of the Governor and Executive Council, authorizing it.
56. Did you make any objection before you were furnished with it? As far as I recollect, it came to me at the time. If there had been any actual expenditure beyond the appropriation, I should have required an authority. In fact, I may give as a general answer, that the moment the appropriation is exceeded in an account, I immediately require an authority to cover the excess.
57. How many books would it require to bring up here, in order to give information upon all these items? It would be impossible for me to say, because the Governor's warrants are bound up in different books.
58. I am not speaking of the Governor's warrants, but of the ledgers or books in which these amounts are entered? I do not think you would require more than two or three.
59. Could you send for these while we are putting other questions? I question whether I could point them out, unless the clerk were here.
60. Could you send for the clerk? Certainly.
61. What is the clerk's name? Thompson.
62. He could refer readily to any expenditure? Yes.
63. Three books would be sufficient to furnish the information? Yes, in fact I think the ledger alone might do it.
64. Without these books you can give no information in detail? Not from recollection; in fact, where figures are concerned it is impossible to do so. I only received the notice at 2 o'clock yesterday afternoon.
65. But if the ledgers were here, and the Accountant, there would be no difficulty in referring to any item? Certainly not.
66. Take the case of the expenditure upon Government House and grounds;—could the Accountant, by the examination of the books, very readily give the whole amount of the expenditure during the last three years? Yes, no doubt he could.

- W. C. Mayne, Esq. 67. Have you a warrant for the payment of the expenses in the case of *Berry versus Graham* and another? Yes.
- 2 July, 1863. 68. How did you enter that in your books—as a payment or as a loan? As a sum to be afterwards accounted for or to be recovered; if I recollect rightly there are bonds.
69. Are you aware of any legal authority which justifies the Government in lending money out of the Consolidated Revenue Fund? I am not aware that they ever lent, except in matters connected with the public service. In the particular case alluded to—but really the only authority I have, or am bound to ask for, or am justified in asking for, is simply the Appropriation Act, or the authority of the Governor and Executive Council.
70. The warrant of the Governor is sufficient for you? Yes. Of course I have knowledge of the circumstances sometimes; but I have no knowledge of the issue before the Governor's warrant, except, as I have said before, in the case of credits.
71. But there is never a final appropriation by you from the Consolidated Revenue, without the warrant? Never; there are no payments out of the Consolidated Revenue, without the Governor's warrant.
72. You think by next Tuesday you would be prepared with all the materials to afford us the requisite information? I think so.
73. Can you suggest anyone to be examined besides the Accountant? I think no person can give more full information upon these accounts than the Accountant.
74. When was the last communication between you and the Colonial Architect, in reference to the Government House expenditure? I have not anything that would give me a clue to that in my memory at present. As I have said, finding attention was not paid to my queries, I reported that to the Department of Works.

TUESDAY, 7 JULY, 1863.

Present:—

MR. BURDEKIN, MR. CALDWELL,		MR. COWPER, MR. DALLEY, MR. EGAN.
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JAMES MARTIN, ESQ., IN THE CHAIR.

William Colburn Mayne, Esq., Auditor General, called in and further examined:—

(The witness handed in a return, stating that it was one which he had been requested by the Committee to prepare. *Vide Appendix A. No. 1.*)

- W. C. Mayne, Esq. 75. *By the Chairman:* Have you brought up the papers connected with the expenditure in and near Government House? Yes, I have brought up the ledgers which give the references to the vouchers, and I have brought up the vouchers themselves.
- 7 July, 1863. 76. Can you tell me what the improvements immediately in front of Government House, during the last three years, have cost? Do you mean connected with the grounds as well as with anything in the shape of building, such as retaining walls or parapet walls?
77. All the works in the grounds, including parapet walls? I can tell you what the vouchers will shew, but I cannot say that they will particularize these matters. That (*handing in a paper*) will give the whole expenditure, within the three years, upon Government House itself, the Government stables, and furniture for Government House. (*Vide Appendix A. No. 2.*)
78. Can you inform the Committee how much these parapet walls, the levelling of the ground in front of Government House, and the construction of the fountain there, cost? By reference to the papers I can.
79. Could you refer to it so as to tell the Committee now readily? That (*handing in a paper*) is a memorandum of all the information I have as to the expenditure in laying out the ground. (*Vide Appendix A. No. 3.*)
80. Am I to understand the £220 4s. 6d. is the whole amount expended in the construction of these parapets and levelling the ground? No, that is for the ground only, expended through the Director of the Botanic Gardens, from the vote for the Domains.
81. In what year? 1861, I think.
82. Do you wish the pencil writing on this return to be taken as part of it? I have no objection to its being so, but it was merely for reference and information for myself. I have no objection to anything on that paper being taken down.
83. I do not observe anything in this return connected with the stone-work? There is not. The amount stated in that return is from the Domain vote; the other would be in the Colonial Architect's vouchers. Any expenditure incurred on that account would be a charge on the casual repairs vote.
84. Will you make reference to the books now, and let me know how much public money was expended on the parapet wall and levelling the ground? I could make the references much more quickly if you would allow me to have the Accountant in the room. (*Accountant asked to step in.*)
85. What was the amount of the vote for casual repairs in 1860? £10,000.
86. Was that all the money voted in that year for casual repairs? There was a supplementary vote of £2,000 for that year, which was further supplemented by a vote of £476 1s. 6d.
87. That was all for casual repairs? That was all for casual repairs.
88. To what? To public buildings.

89. What was voted under the same head in the following year—1861? £10,000 was the original appropriation; but there was a further appropriation of £5,969 19s. 8d. for the same year, by a supplementary vote. W. C. Mayne,
Esq.
90. That was all for the year 1861? Yes. 7 July, 1863.
91. How much for the following year—1862? £12,000.
92. The original vote? Yes. There has been no supplementary vote for 1862 yet taken.
93. What is the vote for 1863? The Estimates will shew that. It is £12,000, I have no doubt. We have not got the ledger for 1863 here.
94. Can you tell me now, the moneys voted for anything in connection with Government House, in 1860, in the way of repairs or furniture? I do not believe there was anything put down for it.
95. That will be subject to your altering the answer if it is otherwise? Yes, I do not believe there was anything put down for it.
96. Neither for furniture nor repairs connected with it? In 1860, I believe not.
97. Is there any such vote in 1861? I see a sum of £210 was taken as a supplement to the Domains vote.
98. Are you aware of any other sum voted for work at Government House, or for the grounds connected with it, except that sum of £210? Independent of the general votes for casual repairs and the Domain, there is no other sum that I am aware of.
99. Was there any sum voted for 1862, for work at Government House or the adjacent grounds? Not that I am aware of.
100. Was there any such sum voted for expenditure in 1863? Not that I am aware of.
101. So that it follows, that whatever work may have been done at Government House, with the exception of that sum of £210, was not done by the expenditure of money voted for that specific purpose? No more specific than it is for any of the buildings for which these casual repairs votes are applied.
102. Do you consider that the building of a parapet wall, the levelling of garden ground, and the construction of a fountain, are things that legitimately come under the head of repairs? The wording of the Estimate is, "For repairs, alterations, and additions to public buildings generally."
103. Do you consider such works as I have mentioned as either "repairs, alterations, or additions" to a public building of any kind? I think it is an addition to the Government House buildings. You will bear in mind that I am not speaking of any matter affecting the ground, because that comes under the Domains vote.
104. I have already asked whether there has been any special appropriation, in any of these years, with the exception of that sum of £210, for these works? I have mentioned the general vote for the Domains. You have not asked me the particulars of that vote in each of those years.
105. Will you give me the particulars of that vote in each of those years? For the Government Domains and Hyde Park, the appropriation for 1860 was £1,065, supplemented by a sum of £48 15s. 3d.
106. What is the heading of the vote? "Government Domains and Hyde Park, Contingencies."
107. For the following year, what was the sum voted under that head? In 1861 the appropriation was £1,165, supplemented by a sum of £210.
108. For the following year, what was it? For 1862 the appropriation was £1,365.
109. *By Mr. Dalley*: No supplementary vote? No supplementary vote for 1862. I believe the appropriation for 1863 is £1,650.
110. *By the Chairman*: Will you give me now the votes for each of these years, for furniture and fittings for public offices? The vote for "furniture and fittings for public offices generally," for 1860, was £3,000.
111. Was there any supplementary vote? No, I do not find any supplementary vote. For 1861 the appropriation was £3,000, supplemented by a sum of £1,385 19s. For 1862 the appropriation was £3,000. For 1863, the Estimate will shew the amount—£3,000.
112. Could you give the details of the expenditure upon Government House, as set forth in this return which you have handed in;—in what department would be found the details of the actual expenditure connected with the repairs? In the Colonial Architect's department.
113. The whole information? The whole information. In fact we have our information from the Colonial Architect's vouchers, which are furnished to us from his books.
114. *By Mr. Cowper*: Your office is the depository of those vouchers? Yes, but he takes these from his books of record. If you wish it, of course it can be done from my office.
115. *By the Chairman*: The Colonial Architect will have all the details of the sums which are mentioned here as expended on Government House and the stables? Yes.
116. Were all these sums taken out of the vote for casual repairs to public buildings? All of them.
117. That is the sum of £6,054 16s. 3d.? Yes, if that is the total. You are not taking furniture with that?
118. No? Merely the buildings.
119. Can you tell me readily how much of that money was laid out on the grounds of Government House? No, I cannot.
120. But the Colonial Architect will? The Colonial Architect ought to be able to do so, and I have no doubt will. Perhaps if the Committee were to look at one of these vouchers, they would see the way in which we are obliged to pick out the items from them. That (*handing a voucher*) is the Colonial Architect's statement to us, and you will see the different headings of the different works.
121. To what vote have you charged the amount paid by the Government, in reference to the

- W. C. Mayne, Esq.
7 July, 1863.
- the costs in *Berry v. Graham*? We have merely charged it as an advance; we have entered it, and merely treated it as an advance.
122. Not covered by any vote? Not covered by any vote.
123. Did you make any objection to the payment of that money out of the Treasury? When I was called upon in reference to the payment, I was furnished with the authority of the Executive Council.
124. What was that authority? The authority of the Governor and Executive Council.
125. What was the nature of the authority? I produce the original minute of the Executive Council, furnished to me.
126. Will you give the Committee a copy of it? Certainly. (*The witness handed in the same. Vide Appendix A. No. 4.*)
127. I see this is dated the 18th March, 1862;—are you aware of any vote being passed which carried out this anticipation? I am not aware of any vote having been passed; I have no information of such a vote.
128. What is the amount that has been paid under this head? £1,222 9s. 2d.
129. To whom was it paid? My impression is that it was paid to the Crown Solicitor.
130. Has there not been another sum of £350 paid under the same head lately, for expenses in England? Connected with the appeal?
131. Yes? There has been a further sum, I think. It has not been paid out of the Consolidated Revenue yet. There has been a payment out of one of the bank credits, but the payment by the bank has not yet been covered by a payment from the Treasury.
132. You have heard that there has been such a payment? We have heard that a credit has been opened at the bank, but we have not any vouchers.
133. Is there any minute of the Executive Council in reference to that matter? There are minutes.
134. Which are not here now? Which are not here now, but of which I can furnish copies. (*Vide Appendix A. No. 5.*)
135. Are you aware whether any money has been expended in the construction of a bridge at Pitnacree yet? I will make the reference. I am not certain whether there has been any expenditure? The Accountant tells me there has been none.
136. Does this paper shew how much has been expended in excess of votes on the Museum buildings? There has been a very small sum in excess—£98 3s. 1d.
137. We heard it stated by a Minister of the Crown, that the additional expenditure on that building over and above the amount voted would be between ten and eleven thousand pounds? The sum of £11,000 is the amount authorized by a minute of the Executive Council.
138. Authorized in excess of votes? Yes, by the Executive Council. Do I understand that you wish me to furnish a copy of that minute?
139. Yes? I have not got it here now, but I can supply it. (*Vide Appendix A. No. 6.*)
140. Is there any minute of the Executive Council, authorizing the appropriation of the amount voted for a bridge over the Hunter River, at the Falls, near West Maitland, to the construction of a bridge near East Maitland? There is such a minute. That (*handing a paper*) is a copy of an extract from it. (*Vide Appendix A. No. 7.*)
141. “ Authority for the appropriation of a vote of £6,000, voted by the Legislature, for “ the construction of a bridge over the Hunter River, at West Maitland, to the erection of “ an iron bridge over the said river at Pitnacree. Also, authorizing the expenditure of a “ further sum of £3,000, to meet the extra expense attending the said works, to be provided “ for in the next Estimates.” So that it appears by this extract, that the Government have done two things: they have transferred this sum of £6,000, from one work to another, and have authorized a sum of £3,000 over and above the original estimate, to be expended on this new work? That is the extent of the authority.
142. Are you aware whether tenders are invited for the construction of this work which is to cost £9,000? I cannot say.
143. That is not done through your office? No.

Mr. Henry Chapman called in and examined:—

- Mr. H. Chapman.
7 July, 1863.
144. *By the Chairman:* What office do you hold? I am Chief Clerk of the Colonial Architect's Office.
145. Could you inform the Committee how much money was expended at Government House, and in the grounds adjacent thereto, through your department, during the last three years? I have not a return made up, but I can tell you from the books, and I can furnish you with a copy of the vouchers.
146. Begin with the year 1860? The whole expenditure for repairs, alterations, and additions, for 1860, was £570 3s. 0d., and for furniture, £95 15s. 10d.
147. Does that include the work done at the stables? No, it is exclusive of the stables, which is a distinct building.
148. What was the expenditure in 1861? For repairs, £3,219 5s. 2d.; and for furniture, £828 17s. 0d.
149. For 1862? £1,855 13s. 10d. for repairs, and £328 0s. 9d. for furniture.
150. And for 1863, up to the present time? £303 10s. 8d. for repairs; no furniture.
151. Up to what date? 6th June.
152. Could you supply the Committee with a detailed account of this expenditure—a list of the items? This (*handing in a paper*) will give it. (*Vide Appendix B. No. 1.*) I think you will find all the particulars there. That is made up from these vouchers which I produce.
- 153.

153. Can you inform the Committee how much of that expenditure relates to the building of the dwarf wall and fountain in front of Government House, and levelling the ground? I cannot. The accounts for the dwarf wall would not be kept distinct. You will find charges for the dwarf wall in a great number of these accounts.
154. Can you inform me who were the workmen who did that work? Goddard, I think, was the contractor for work of that kind at that time.
155. Was it done by contract or by day-work? It was done I think under the usual annual contract, by the contractor, who furnishes men paid by the day at the contract price.
156. Was there not a contract to do stone-work at so much a perch? Yes.
157. Can you tell me how much was paid to Goddard, or to any person, for that parapet wall? I cannot tell you that, because the vouchers would include other works besides the parapet.
158. Must there not have been some documents in your office, stating the measurements of this work before Goddard was paid? It was running over a considerable time.
159. Would not the papers be sent in from time to time? The Clerk of Works would have his measurements to check the contractor's accounts, but they would not be furnished to the office as explicitly relating to that work? We have the Clerk of Works' certificate that the measurements given by the contractor are correct.
160. Would the Clerk of Works, who superintended the work, be in a position to inform us what was the cost of that parapet wall? I do not know whether he has any record of his own; probably he may have.
161. Am I to understand that payments are made, about which there are no records of the measurements in the office? There is a record; we have the certificates of the Clerk of Works, to the account furnished by the contractor.
162. Where are they now? They are in our office—the rough accounts furnished by him.
163. Where are the complete accounts—the accounts in which payments are made? Those are with the Auditor General.
164. Am I to understand that it is impossible for your department to ascertain exactly how much was paid for that parapet work? I think it would be possible to ascertain it. The Clerk of Works could take out the portions of these accounts that were chargeable to the parapet only.
165. If the accounts were properly kept, would not that be a matter very easily performed? I think not. The account would be for all work performed at Government House during a certain period. We should not keep a separate account of the work done on different parts—so much in the house, and so much in other places. The whole of the men's time would be charged so many days, in the gross.
166. Suppose ten perches of that work were done this week and payment made in respect of it, ought there not to be a record of the particular piece of work in respect of which payment was made, so that the contractor could not come and ask for payment a second time? The Clerk of Works would be a check on that.
167. Is there not a check upon the Clerk of Works himself, by the retention of his reports? We have no reports except his certificates.
168. Then, if the Clerk of Works were dishonest enough to report that—that work included 500 perches, when there were in fact only 250, do I understand that there really is no check upon that? There would be the check of the head of the department, who himself sees the work. Certainly he does not actually measure it; but no gross fraud of that kind could take place without being suspected and detected afterwards.
169. Have you anything to do with these measurements? No; that is the duty of the Clerks of Works and the Foremen of Works.
170. Who were the gentlemen who superintended these works at Government House? Mr. M'Cracken was the Clerk of Works mainly employed upon it, and Mr. Orford was the foreman.
171. Could those gentlemen tell us, by referring to their papers, or the papers in the office, what was paid for this parapet wall and other work in front of Government House? Unless they have any measurements (of which I am not aware) they could only tell by going over the vouchers, and taking out those items from them which were exclusively for the parapet wall.
172. That you could not tell? No; the Clerk of Works could do that, but I could not.
173. It would not take long to measure the work afresh? I think not.
174. *By Mr. Caldwell:* I understand you to say you have the vouchers? They are furnished to the Auditor General; we keep duplicates of them.
175. Have you the vouchers respecting the expenditure on this parapet wall? Yes.
176. You said the expenditure was distributed throughout several vouchers? Yes.
177. Can you not pick out the total expenditure for the wall? I could not for the wall any more than I could for repairing sashes, or doors, or anything else.
178. *By the Chairman:* The only persons in the department who can give us detailed information as to the exact cost of this parapet wall are —? Mr. M'Cracken and Mr. Orford.
179. Could you supply the Committee with a statement of the expenditure on the stables at Government House, made out in a similar way to the one you have handed in? I could. (*Vide Appendix B. No. 2.*)

Mr. H.
Chapman.

7 July, 1863.

WEDNESDAY, 15 JULY, 1863.

Present:—

Mr. ARNOLD,
Mr. COWPER,Mr. EGAN,
Mr. LUCAS.

JAMES MARTIN, Esq., IN THE CHAIR.

Mr. John M'Cracken called in and examined:—

- Mr. J. M'Cracken.
15 July, 1863.
180. *By the Chairman*: What are you? Clerk of Works.
181. Do you know anything of some parapet work which was done by the Colonial Architect's department, in front of Government House, some time since? I do.
182. Can you inform the Committee what has been the cost of that work? I can.
183. Have you prepared a return of it? I have.
184. Will you be good enough to hand it in? (*The witness handed in the same. Vide Appendix C. No. 1.*)
185. Are you aware by whose authority this work was done? No.
186. Who gave you instructions to have it done? The Colonial Architect.
187. Who was the Colonial Architect at that time? Mr. Dawson.
188. He is not now in the Colony? No.
189. Was the order a written order? No.
190. Are you aware whether there is, in the Colonial Architect's department, any direction from any Minister of the Crown, in reference to this work? No, I think not.
191. Have you made a search, with the view of ascertaining whether there is any such written order? I am aware that, at the time, I complained of the amount of expense without any authority.
192. You complained of the expense? Yes, that we would get into trouble about it; and the Colonial Architect said, "No fear of that; I know what I am about." (*The witness handed in a return. Vide Appendix C. No. 2.*)
193. What is this? An account shewing the amount expended in constructing a basin and fountain in front of Government House.
194. When did you make this objection to the expenditure to Mr. Dawson? That was when we increased the length of the terrace wall.
195. Then some of the terrace wall had been put up before you made your objection? Yes.
196. Was there any other work in connection with this terrace wall—such as levelling the ground—performed by the Colonial Architect's department? The most part of it was done by Mr. Moore, of the Botanic Garden.
197. Was any part of it done by the Colonial Architect's department? There was some stone taken out where the rock was too high. Mr. Moore had some quarrying done, but we assisted.
198. Can you state how much was expended by your department in that portion of the work? It is all in that account.
199. Do these two accounts shew all the money that was expended through your department, in connection with any of these improvements in front of Government House? There is a verandah close against the new Government House.
200. What did these improvements consist of? This paper will answer the question. (*The witness handed in the same. Vide Appendix C. No. 3.*)
201. By whose authority was this work performed? It was all done by Mr. Dawson's orders.
202. Are you aware whether any written or other authority was given by any Minister of the Crown, to Mr. Dawson, for this expenditure? I am not aware of any.
203. What kind of work is that awning in front of Government House—will you describe whether it is of a permanent character? It is not of a permanent character.
204. Can you state generally what kind of work it is? What is called tent cloth it was made of; it has been renewed since that.
205. At what cost? About £25.
206. *By Mr. Egan*: That is the canvas part? Yes; it is canvas now, it was tent cloth before.
207. *By the Chairman*: I perceive that the expenditure upon it is £228 2s. 4 $\frac{3}{4}$ d.? I speak merely of the canvas used.
208. Will you run your eye over that—(*handing witness Appendix B. No. 1 to Mr. Chapman's evidence*)—can you tell me whether the return now handed to you includes all the expenditure of which you have given us the details to-day? Yes, I think so; I believe this includes all.
209. Was there any large amount of work done in the kitchen of Government House? I believe there has been a good deal of work done there; but that was not done under my inspection.
210. *By Mr. Cowper*: Who is the Clerk of Works who had charge of that? Mr. Orford.
211. *By the Chairman*: What amount of money has been expended at the Museum, in excess of the sum voted by Parliament for that work? I could not tell how much has been expended on that; that is not under my supervision.
212. Under whose supervision is that? Under Mr. Barnet's himself generally.
213. Was there any other work done under your supervision at Government House, in reference to which you had occasion to speak to the Colonial Architect? No.
214. I mean as to the authority he had for doing the work? No.

215. *By Mr. Egan*: Is it the practice of the Colonial Architect's Department verbally to direct works to be done without giving any order in writing? It was. I would not have spoken to Mr. Dawson about that, but Mr. Chapman told me I had better take care what I was doing.

Mr. J.
M'Cracken.
15 July, 1863.

216. *By Mr. Lucas*: When was this? At the time we were building the terrace wall.

217. *By Mr. Egan*: Before you commence any work of that character, is there not generally an estimate and specification of it? There is now.

218. What is the mode of keeping an account in detail of the expenditure—Mr. Chapman said they kept no record of it in his office; that it was done by the Clerk of Works—what I mean is, when a certificate is given to the Colonial Architect, by a subordinate officer, it seems, from the evidence of Mr. Chapman, that there are no particulars as to the quantity of stone or other material applied to each separate building, but the whole is embodied in one general statement? We certify to all accounts before they go to the Colonial Architect.

219. But you must keep some sort of diary—some detailed account of the daily expenditure? In the annual contract, the contractor furnishes us with a return of the number of men employed on day-work; and in the case of all materials delivered, there are tickets with each load; and once a week he gives a return of all materials delivered.

220. Who certifies to the receipt of them? All the work, if done by the contractor, is measured quarterly. We know what is done by day-work and what is done under measured work, by these returns.

221. I mean as to quantity—who gives any memorandum to shew that the quantity of material charged has been actually delivered by the contractor? He gets no receipt at the time, but it is measured afterwards.

222. But when the material is worked up, it will not be the same quantity? In the first place the cost is estimated, then an order is given to the contractor, and the work is measured subsequently. We can tell by measurement what materials are used in any work, within a few feet.

223. Then there is no person constantly or daily supervising any work that is carried on? There is a man who visits all the works, to take the men's time. I can shew the book. (*The witness produced the same.*) This is a book in which is stated what every man does who is employed at day-work. That book is before us when we are measuring. Besides, we visit all the works nearly every day, as well as the time-keeper.

224. *By Mr. Cowper*: Who does the details of the measurement—Mr. Orford? No, each does his own part.

225. You are responsible for this Government House work? Yes, excepting the kitchen.

226. *By Mr. Lucas*: You have contracts by measurement and also contracts by day-work? Yes.

227. How do you get a check upon the contractor as to the day-work he supplies? There is none of it done by day-work, with the exception of what we cannot bring under any item—for instance, pulling down old walls, or making alterations. We have a man who visits those who are employed at day-work, two, three, or four times a day, at irregular times. He takes down the names of the men employed each day, and if his return of the men employed does not agree with the contractor's, the contractor is called upon to explain.

228. Does the contractor, every morning, give you the names of the persons he has had employed on the previous day, with the jobs at which they have been at work? No; at eight in the morning he gives us a return of the men employed on that day, and the man who keeps the time enters in his book the names of those men, and takes down what they are doing.

229. Do you not think it would be quite as good a check in the morning of what the men had been doing on the previous day? I do not.

230. I presume, if you have men employed, you never miss a day in visiting them? Sometimes I do, but the time-keeper never does; he visits them three times a day.

231. Supposing you compelled the contractor to give you an account each morning of the jobs, and of the men who had been employed upon them on the previous day, would it not be more easy for your Superintendent then to check it? The contractor might send men to work that the time-keeper would not know of.

232. Would not your man know the jobs that were going on? He might.

233. Is not that the usual mode of conducting work by builders in Sydney? Supposing a requisition were sent in to repair a water-pipe that had burst —

234. You would send that to the contractor? Yes.

235. And your man would visit the workmen while the job was being performed? Yes.

236. Would it not be easier to check the contractor's work, if he were each day to give you a return of the men employed on the previous day, than it is now, when he gives you the return before the work is performed? It would not do in all cases to defer the return till the next day.

237. The contractor could not give a return of work done before it was actually performed? This is a return of the men sent on the work.

238. How do you know the men are there all day? The time-keeper visits them three times a day.

239. I see an item in this return, of £1,748 15s. for parliamentary buildings this year;—did you superintend that expenditure? Yes, I superintended that.

240. How was that work performed? By contract.

241. Was it advertised? Yes.

242. Was this done by the annual contractor? No.

243. I see an item, casual repairs to public buildings, £5,783 10s. 7d.,—did you superintend that expenditure? I superintended the greater part.

- Mr. J. M'Cracken. 244. Do you, as a rule, never employ day-work where you can measure up? We do.
 245. Then it is done under a schedule of prices, which is taken by contract? Yes.
 246. And as a rule you never employ day-work when you can avoid it? No.
 15 July, 1863. 247. *By the Chairman*: Can you state whether any of the persons confined as prisoners in Darlinghurst Gaol were employed in doing this work in front of Government House? There was a portion of stone got from Darlinghurst Gaol, of which the value is stated in this paper. (*Handing in the same. Vide Appendix C. No. 4.*)
 248. That is exclusive of the expenditure of which you have already handed in returns? Yes.
 249. So that no portion of the return previously handed in, with reference to the cost of work at Government House, had reference to Darlinghurst Gaol or the employment of the prisoners there? There is nothing charged of that in the three returns previously handed in.
 250. *By Mr. Egan*: Is that the value both of the stone and the work? Yes, both of the stone and the work.
 251. *By the Chairman*: So that the four returns will give the value of the whole of the work in front of Government House—that is to say—the terrace wall, the basin, the verandah, but not the levelling of the ground? —
 252. Have you had anything to do with the supply of furniture to Government House during the last three years? No.
 253. Under whose supervision would work of that kind be? I cannot tell. I think Mr. Orford will be able to give that information.

Mr. Robert Orford called in and examined:—

- Mr. R. Orford. 254. *By the Chairman*: What are you? Foreman of Works.
 255. In the Colonial Architect's department? Yes.
 15 July, 1863. 256. Did you superintend any work at Government House during the last three years? Yes.
 257. Have you any papers with you shewing the work you so superintended? No. I can inform you of nothing that required to be measured—mine was all in repairs, day-work.
 258. Had you anything to do with the terrace wall? Nothing whatever.
 259. Did you superintend any repairs in the kitchen at Government House? Yes.
 260. What was the amount of money expended there under your supervision? I think the repairs of the kitchen, the renewal of the cooking apparatus, and the table, amounted to £150.
 261. In what year was that incurred? In the year that Sir John Young landed—1861.
 262. Had you anything to do with the supply of furniture to Government House? No, only for the offices.
 263. Who would have the superintendence of the furniture? The Colonial Architect would give orders for that.
 264. Personally? Yes.
 265. *By Mr. Cowper*: You say that the whole amount expended under your superintendence was £150;—did that include Russell & Co's. charges, of which we have had an account given, for cooking apparatus? It did not include them, I dare say. I merely superintended the fixing that. I do not know what the cooking apparatus cost.
 266. *By the Chairman*: Do you know who authorized the supplying of this apparatus? The Colonial Architect.
 267. Mr. Dawson? Yes.
 268. Have you anything to do with the works going on at the Museum? No, only in the office; I assist in tracing the drawings.
 269. What other works did you supervise at Government House besides these at the kitchen? We did a little colouring and fitting up the still-room as it is called; we put a new stove in there, and also a new staircase.
 270. I see a great deal of work has been done there by day-work;—who checked the bills sent in for that work? They were sent in to the First Clerk of Works.
 271. Who did the measurement? In the day-work there is no measurement of timber. It is ordered in the book, and checked by the book as it comes in.
 272. *By Mr. Lucas*: Was the whole of the measured work performed by contract, by a schedule of prices? No, it was all done by measurement.
 273. What is a fair price for suitable coping work per superficial foot—such work as that done at Government House—it is set down here as 568 feet of coping on the terrace wall? I do not know anything about that.
 274. You know what description of work it is? No, I do not; I was not sent there at all. It is plain stone-work and formed into a sort of battlement like a sea-port place.
 275. What do you think that would be worth per superficial foot? I suppose 18d., or 2s. it might be.
 276. What is the stone worth per cubic foot without working? About 10d. or 1s. in some places.
 277. At Government House? Anywhere in Sydney.
 278. Was there any great amount of work done in sinking a foundation for this wall? They had to go a good depth in some places; in some places they were on the rock.
 279. They did not cut into the rock? No, they merely levelled it, as far as I can hear from the Clerk of Works.
 280. Could you not have measured that while it was being excavated? I should think they might have done so, but I do not know anything about it. I had nothing to do with it.
 281. It would have been easy to have measured it by the cubic yard? I should say so.

282. Do you, as a general rule, where it is possible, take measured work instead of day-work? Yes, always where we can do so. In general repairs you cannot do it, but in all new work.
283. There is no doubt about its being easily done in sinking the foundation for a wall? Not the least doubt whatever.
284. Could you furnish the Committee with the number of cubic yards in that foundation? I could not now that it is all built on, for the place has been levelled, and you cannot say how much has been excavated.
285. Could you not give us an approximation to the number of cubic yards? I do not think I could, for it is a difficult matter to get at. I do not know how high the ground was in the first instance.
286. Is this masons' work performed by contract, by a schedule of prices? That I do not know, but I think it was all done by a schedule of prices; I think I heard the Clerk of Works say so.

Mr. R.
Orford.

15 July, 1863.

WEDNESDAY, 22 JULY, 1863.

Present:—

MR. ARNOLD, | MR. COWPER,
MR. DALLEY.

JAMES MARTIN, ESQ., IN THE CHAIR.

William Colburn Mayne, Esq., called in and examined:—

287. *By the Chairman:* Are you prepared to give the Committee a statement of the Acts of Appropriation, by which the items of expenditure, or any of them, set forth in your Return No. 1, have been covered? I hand in a statement noted to shew that. (*The witness handed in the same. Vide Appendix D.*)
288. Under the head "Reference to the Appropriation Act," what is included? The number of the Act.
289. Authorizing the particular expenditure? Authorizing the particular expenditure, or properly speaking, the number of the several Acts.
290. And you have placed the number of each Act opposite the particular item? Yes.
291. What are the figures under the heading "Page"? The page of the particular Act in which the item is found.
292. Do you mean the page of the reprint of the Statutes issued from the Government Printing Office? The reference to the Acts now handed in.
293. I see there are several items, extending over all the years to which the return applies, which have not been sanctioned by any subsequent Act of Appropriation. Are you aware whether those items of expenditure, or any of them, are in the present Supplementary Estimate? I believe that all of them are in the present Supplementary and General Estimates.
294. When was this £2,220 9s. 8d., for Steam Postal Communication by way of Suez, paid—was it paid on the date mentioned here? Yes, that is the date of payment.
295. That is the 2nd September, 1862? Yes.
296. I see, in your Return, an item of £5,783 10s. 7d., under date 24th October, 1862, for casual repairs to public buildings—Can you give the Committee any information about that large item? Do you mean with reference to the appropriation for it?
297. I mean as to whether it was paid in one sum, or the purpose to which it was applied? I can from the vouchers; I cannot merely from looking at this.
298. Can you supply the Committee with a detailed statement of the works to which that sum applies? Certainly, copied from the Colonial Architect's vouchers.
299. Can you state whether any portion of that sum relates to the expenditure at Government House, or to the stables at Government House, as set out in your Return No. 2? Not without reference to the vouchers; I can easily afford the information by reference to the vouchers, and I have here the Clerk who has the examination of the vouchers. I brought him up purposely to give that information.
300. Have you not already stated to the Committee, that this expenditure has been defrayed out of actual votes? Yes, I believe so.
301. If that be so, does it not follow that that expenditure cannot in any way relate to this £5,783 10s. 7d., which is stated in your Return No 1 to be wholly without authority? Yes, I would say so; if I have so stated in that —
302. Will you look at the return, and see what is stated on the Return No. 2 itself? (*The witness referred to the return.*) Yes, these are all from votes.
303. That is the expenditure in Return No. 2? Yes.
304. Then, whether the item of £5,783 10s. 7d., which appears to have been sanctioned on the 24th October, 1862, includes work done at Government House, or at the stables, you cannot say at this moment? I should say not, from the headings of the two returns.
305. Can you supply the Committee with a return shewing the particular buildings in respect of which this expenditure has taken place? So far as the vouchers have yet been furnished to me from the Colonial Architect's department I can.
306. Will you cause that return to be furnished to the Committee at your earliest convenience? I will.

W. C. Mayne,
Esq.

22 July, 1863.

- W. C. Mayne, Esq. 307. Can you supply the Committee with a like return, in reference to the preceding sum of £384 14s., for furniture for public offices? Certainly, so far as the Colonial Architect's vouchers enable me to do so.
- 22 July, 1863. 308. Ought you not to have vouchers, in respect to each of these payments, from somebody? There ought to be vouchers; but, as I have stated, the Colonial Architect's vouchers have not been regularly rendered, and I have had repeatedly to call for them.

James Barnet, Esq., Acting Colonial Architect, called in and examined:—

- J. Barnet, Esq. 309. *By the Chairman*: Have you caused to be prepared any returns, shewing the details of the expenditure during the last three years at Government House? In accordance with the intimation I had on Saturday, I have given directions, and they are being prepared. They are not all prepared yet, as there is a great deal of labour in preparing them.
- 22 July, 1863. 310. When do you think they will be ready? I dare say in two days more they will be ready.
311. Will you state to the Committee the nature of the returns you are getting prepared? Simply the details of each of the items in Return B. No. 1.
312. *By Mr. Arnold*: That is to say, the accounts themselves? Not the accounts; the actual situation of all the work about Government House, and the details of what the men were doing. It is a great labour to go through it for three years. Of course we have the means of getting at it in the office.
313. *By the Chairman*: Will that return shew the particular room in which each work was performed, and the nature of the work? I think so.
314. For instance, we have certain items here as "taking up carpets," "putting up lace curtains," and so on—Will it appear in what particular rooms these things were done? Yes.
315. Then we find various articles of ironmongery supplied—All that will appear? All that will appear.
316. Were you in the office you now hold, when certain work was done in the drawing-room of Government House, for a theatrical performance? Not in the office I now hold. I was in the office of the Colonial Architect.
317. Will the returns you are causing to be prepared shew whether any and what sums were expended out of the public funds on that work? I believe so.
318. I see several items for hiring chairs—Can you inform the Committee now what they mean? I do not think I can at present, what the chairs were used for. I presume it was on state days, when levees or anything of that kind have been held. I expect they were used on such occasions.
319. Are you aware whether persons who attend levees are provided with seats? I mean on the occasion of balls. I could not tell exactly on what occasions they were used; the return will shew that.
320. Will this return shew the amount and the localities of the masons' and bricklayers' work done about Government House? Yes.
321. I see a very large sum has been expended on masons' and bricklayers' work—Will you state generally where that money was expended? I had nothing to do with carrying out the work itself; I could only say from what I heard from others. The only work I had to do with was the coat of arms there.
322. I see a cabinet purchased from R. M. Lindsay, £45—Have you any idea what that is? Not the slightest.
323. Your return will shew? The return will shew.
324. Refrigerator—do you know nothing about that? I know nothing of that.
325. Plate-warmer? That would be in the kitchen.
326. All these matters will be shewn in the return? Yes.
327. Can you inform the Committee how much money has been hitherto expended upon the Museum, in excess of votes? I think somewhere about £2,000.
328. I suppose a much larger sum is due for work already done? That is, up to Saturday last; some £2,000.
329. I suppose more is due? There is no more due till a certain amount of work is on the wall.
330. I think you do not understand my question—I suppose work is done to a larger amount? There is a contract taken to a larger amount.
331. Am I to understand that you pay up in full every Saturday? No, we pay once a month.
332. In full? Not in full—twenty per cent. short.
333. *By Mr. Arnold*: Then there would be about £400 more due? About £500, I think.
334. *By the Chairman*: Can you inform the Committee whether the walls that were constructed by the expenditure of the last vote, in reference to that building, would have sustained any damage whatever, had they been allowed to remain in the state they then were, until a vote could be procured during the present Session, for the continuance of that work? Perhaps they would not have sustained any actual damage for a short time, but if they had stood for a lengthened period they would have been injured.
335. Is not that a work of remarkable solidity? It is very good work.
336. Perhaps the best in Sydney? I believe there is no better.
337. As an architect, could you state that that building would have sustained any injury whatever by being allowed to remain twelve months? Yes, by the percolation of water through the wall.
338. Could not that easily have been prevented? It could, by covering the wall.

339. By the expenditure of about £5 for cement? That would not have been sufficient. It might have been done by covering all the joints with slate to keep the water out of it, the same as at the University.

340. What did that cost? £20 or more.

341. By the expenditure of about £20, you could have prevented any damage whatever occurring to that wall, from delaying the completion of it for twelve months? I could have prevented any material damage.

342. Could you not have prevented any damage to the wall, from delaying its completion for twelve months, by the expenditure of £20? It would only be a temporary covering after all; it would be useless afterwards.

343. Could you not have prevented any damage whatever to that wall, from delaying its completion, by the expenditure of about £20? I dare say we could—I do not say that £20 would actually have done it. I merely suppose that sum.

344. You mention that sum as about the amount? Yes.

345. I believe you drew this plan for that building? Yes.

346. Has that plan been prepared with a view to any alteration of the old building, so as to make it correspond with the new structure? Yes.

347. What would it cost to so alter the old structure as to correspond with the new? I am not prepared to answer that—I recommend the addition of a story on part of the old building, so as to make the front of the same height as the new building.

348. You do not intend to put anything over the Museum? No, because that would exclude the light—I propose merely to have a storey on the front to give office accommodation and dwelling.

349. You cannot state what it would cost to alter the building in that manner? I could not state now.

350. Not in round numbers? About £7,000 would do it, I think.

351. Is it part of your design that there should be another wing at the eastern end of that building, to correspond with the western? The design is to extend down William-street, and to have a corresponding wing to the present one, not of course an elaborate, but a plain building, to give the same accommodation at the end next the school as the present wing.

352. I suppose that eastern wing would cost £25,000 more? Yes, it would cost more than that, because the ground falls there, and there would be another story.

353. What will be the total cost of the wing you are now erecting? About £25,000.

354. I find in a return supplied by Captain Mayne to the Committee, that £5,783 10s. 7d. was expended on the authority of a warrant, dated the 24th October, 1862, for casual repairs to public buildings. Could you supply the Committee with a statement of the buildings where these repairs were done, and the amount in each case? The particulars of that can be supplied.

355. Will you be good enough to cause that return to be prepared? Yes.

356. From whom do you receive directions to do works at Government House? Now we get them from the Works Office.

357. Have you ever known any works to be done at Government House, by the Colonial Architect, without the authority of the Works Office? I am not aware in what mode Mr. Dawson used to proceed in this matter; I had nothing to do with Government House myself.

358. *By Mr. Arnold:* Will not the vouchers shew by whose authority these works were done? I have here all the authorities for three years back, which I was asked to bring, in the note I received.

359. Then it would be quite possible to attach to this return, a statement of the authority upon which each of these works was carried out? Yes, I think so.

360. Are all works carried out now, carried out under the authority of the Minister? Yes.

361. Was that the case previously? I think not.

362. *By Mr. Dalley:* Do you in all cases receive a written authority? Yes, in all cases.

363. No verbal instructions are given? No.

364. *By the Chairman:* Are you aware that no payments can be made without the authority of the Minister, or the warrant of the Government? Yes.

365. *By Mr. Arnold:* Do you mean that no payment was ever made by the Colonial Architect's Office, without the authority of the Minister? I could not answer that question.

366. *By the Chairman:* How are the payments made, as far as you are aware, by the Colonial Architect's department? How do you mean?

367. From what fund do you take your payments, and who makes your payments? I make the payments. There are special credits for almost every work.

368. You draw cheques from this fund? Yes.

369. How that is sanctioned afterwards you are not aware? No.

370. *By Mr. Arnold:* Is it not the case that every payment made out of the general fund is now made in consequence of a requisition for each particular item of expenditure sanctioned by the Minister? Yes.

371. Do you know whether it was the practice in 1860 and 1861 to require a special authority for each particular expenditure? I do not know.

372. Do you know whether there has been any change, within the last twelve months or so, as to the kind of authority required for this expenditure out of general votes? The alteration is that every requisition must pass through the Minister.

373. That is the change? That is the change. It was sent to the Colonial Architect's Office up to the time of Mr. Dawson's leaving.

374. *By the Chairman:* What are the papers you have brought with you? Those which Mr. Chapman brought the other day, relating to requisitions from Government House. (*The witness handed in the same. Vide Appendix, p. 28.*)

J. Barnet,
Esq.

22 July, 1862.

- J. Barnet, Esq.
22 July, 1863.
375. Are these all the requisitions that you have been able to find in your office, in respect to work done at Government House during the last three years? Yes.
376. Have you been through these requisitions yourself? I have not been through them myself. These are all the works that have been done through the office. I have had nothing to do with the works at Government House.
377. Are there any other written requisitions for works done at Government House, during the last three years, besides these you have handed in? No.
378. *By Mr. Cowper*: Have you ever referred back, to ascertain the mode in which the expenditure upon Government House, whether for casual repairs or furniture, was conducted, before you became Colonial Architect? Yes.
379. Out of what fund was it usual to meet these expenses;—I will give an instance—Before Sir William Denison left the Colony, nearly the whole of the south-west corner wall of Government House was taken down and repaired; was that expense provided for out of “casual repairs for public buildings”? I think there was a separate sum set apart for that.
380. Do you know what it cost? I do not now know what it cost.
381. What is the state of the Government House as a building; is it not a building which requires constantly a large sum to keep it in repair? Yes, it does; it is in a very bad state about the roof and parapet.
382. It was not well built in the first instance? No; it could never have been.
383. *By Mr. Arnold*: About this Museum building, do you remember pressing upon me very strongly the desirability of going on with that building? Yes.
384. Was not one of the reasons given by you, the damage the building would sustain if it were not covered in? Yes, that was one of the reasons.
385. Do you remember that, upon the occasion when the matter was discussed, you represented the extreme suitability of this building for a public library? Yes, I did.
386. You are still of opinion that the wing we are now erecting will be a suitable building for a public library, or a portion of it? I think so. There are certain outhouses that would be required that are not in the present plan.
387. When you speak of your design comprising a large eastern wing, to cost more than £25,000, and of raising an additional story on the old building, you do not speak of any design that has been authorized? No; it is merely to shew how the whole block could be laid out to harmonize with the present building.
388. It is merely a sketch? Yes.
389. Supposing that the additions were intended for a public library, I presume that there are ample funds voted available for the erection of the building? I think so.
390. *By the Chairman*: Are you aware that some £3,500 have been laid out in the purchase of a site for a public library? Yes.
391. Did you prepare any plans for that site? No.
392. Are you aware that plans have been prepared for a building upon that site? Yes.
393. Are you aware whether the idea of erecting a library upon that site has been abandoned? I am not aware.
394. *By Mr. Arnold*: Is it the case that no suitable design was sent in in the first instance, and that the most suitable that was afterwards sent in could not be erected, according to the estimate of the architect, for anything approaching to the sum available? Yes.
395. *By the Chairman*: Have you been asked to prepare a plan for a building upon that site? No.
396. Are you aware of any person who has been asked to prepare a plan for a building upon that site? No.
397. *By Mr. Arnold*: Is it not the case that you advised the Government that a suitable structure could not be erected upon this site for the sum available—some £16,000? Certainly; a building could not be erected upon that site suitable for the purpose of a library at all.
398. *By the Chairman*: Are you aware whether you were, previous to the purchase of that site, consulted as to its suitability? No; I was not then in the position I hold at present.
399. You were not Colonial Architect then? No.
400. Am I to understand that this Museum, when completed, will be a suitable building for a public library, in all respects? With the exception of out-offices, the rooms are well adapted for that purpose; they are so arranged, that the book-cases can be along the wall underneath the windows.
401. Do you think the building as well suited for that purpose as it would be if it were in Elizabeth-street? I think there is very little difference. I think, considering the direction in which the town is spreading, that it is a central position.

WEDNESDAY, 29 JULY, 1863.

Present:—

MR. COWPER,

MR. LUCAS.

THOMAS HOLT, ESQ., IN THE CHAIR.

William Colburn Mayne, Esq., again called in and further examined:—

- W. C. Mayne, Esq.
29 July, 1863.
402. *By the Chairman*: Do you produce the return or information requested at a preceding meeting of the Committee? I do; I beg to hand in two returns called for upon the last occasion that I was before the Committee. (*The witness handed in the same. Vide Appendix 403.*)
F. No. 1 and F. No. 2.

403. Have you any further information to give to the Committee? No, only in explanation. W. C. Mayne, Esq. I was asked, upon the last occasion, whether this sum of five thousand odd pounds included anything shewn in these two returns, and I stated that, from the heading of the return Appendix A. No. 2, I was under the impression that it did not. Upon examination, I find it does include sixteen hundred odd pounds; but that the return is strictly correct as of the date on which it was prepared. 29 July, 1863.

FRIDAY, 31 JULY, 1863.

Present:—

Mr. ARNOLD, Mr. BURDEKIN, Mr. CALDWELL,		Mr. COWPER, Mr. DALLEY, Mr. EGAN,
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Mr. LUCAS.

JAMES MARTIN, ESQ., IN THE CHAIR.

William Colburn Mayne, Esq., again called in and further examined:—

404. *By the Chairman*: I see in the return, which you handed in at the last meeting of the Committee, shewing the details of the £5,783 10s. 7d. expenditure therein, an item of £392 17s., "quarters for Deputy Master of the Mint"—Are the Committee to understand that that sum is in excess of any amount voted by Parliament for that particular building? Yes; that at the time that was paid, there was no appropriation for it. W. C. Mayne, Esq. 31 July, 1863.
405. Can you state by whose authority that expenditure was charged to the vote "casual expenditure for public buildings"? I cannot from memory state. I have no doubt I can produce the authority.
406. *By Mr. Cowper*: The term generally is "additions"? This is not the term of the appropriation—we call them generally "casual repairs"; but the words of the Estimates are "repairs, alterations, and additions to public buildings" generally; but we class them under the one term of "casual repairs."
407. That is not the term in the Estimates or Appropriation? No, not in the Estimates; I think in the Estimates and Appropriation both the terms are "repairs, alterations, and additions." I may mention, with regard to the sum of £5,000 odd, that although there was no appropriation at the time it was paid, there was a vote in Committee of Supply for it.
408. For the whole of the expenditure? For the whole.
409. Before any of it was expended? No, before it was paid from the Consolidated Revenue. It is stated in that return, as a payment from the Consolidated Revenue to have been paid in October, 1862, but the vote in Committee of Supply was in September, 1862, although the Appropriation Act was not actually passed at the time.
410. But the money had been expended long before that? It had been expended by the Colonial Architect unquestionably.
411. Have you, in any return that you have laid before the Committee, shewn the dates of any of the items of expenditure under that head? By the Colonial Architect?
412. Yes? They can only be got from the vouchers.
413. I suppose this expenditure of £5,783 10s. 7d. extended over a very considerable period? I should think the early part of 1862 was the time when it was most likely to have been paid by the Colonial Architect. It is for services in 1861 you observe, and therefore it is most probable that it would be paid by the Colonial Architect in the early part of 1862.
414. But if the money was paid for services in 1861, why should the expenditure be in 1862? Because payments are not called for before the expenditure is really made—salaries are paid at the time.
415. What is to lead you to the conclusion that that expenditure took place in the early part of 1862 rather than in the middle of 1861? Because it would have been brought forward in the Supplementary Estimate if it had been.
416. That is your only reason for supposing that it was paid in 1862? That is my impression, but if you require the dates, the Colonial Architect will be the best person to furnish you with the actual dates of payments made by him.
417. Could you furnish the Committee with a Return shewing the actual dates of the payment of each sum making up the amount of £5,783 10s. 7d.? I can do it from the vouchers, but the Colonial Architect will do it more readily.
418. Did the whole of this sum pass through the Colonial Architect's hands? The whole of that five thousand seven hundred and odd pounds.
419. Is there any further explanation you wish to give the Committee, respecting any matter upon which you have been examined? I do not recall anything. I may point out, with regard to Return A. No. 2, that instead of "Payments by the Colonial Architect from the Votes," it would have been a more correct heading if it had stated "Charged upon the Votes."
420. *By Mr. Egan*: Did I understand that the money spoken of here was expended before the vote was passed in the House? It appears so from this Return (*referring to the Return handed in by the Colonial Architect, G. No. 2.*) If the Colonial Architect's return is correct.
421. Does the Colonial Architect have this large amount placed to his credit, that he can pay these large amounts from? At that time he had not the votes separated as he now has, and he was not bound as he now is, consequently I did not discover his excesses until he sent in his accounts. He now has a separate credit for each work.
422. Then this expenditure must have been taken out of some other vote? It must have been taken out of the gross sums at his disposal; and we found out, when his accounts came in, that there were excesses.

W. C. Mayne, Esq. 423. *By Mr. Lucas*: Do you know whether any payments have been made to Captain Martindale, or on his account, to any agent or company, since his resignation? I cannot from memory say; of course I can ascertain if you wish it, and furnish a statement, if it

31 July, 1863. be so.

424. Will you furnish a statement if any amounts have been paid on Captain Martindale's account since his resignation, shewing the dates, the amounts, the persons to whom, and the purposes for which such sums have been paid? I will. (*Vide Appendix H.*)

425. How is the money paid for works done at the Gaol; as for instance, stone cut in the Gaol, and used in public buildings? That enters into the Colonial Architect's accounts.

426. You do not know how it is credited? We have the vouchers; all that comes to us passes through the Colonial Architect.

427. What department is credited with it? The general rule is, that of anything that is sold the gross proceeds are paid into the Treasury; but in such a case as you speak of there is actually no payment.

428. I only want to know how it is credited? That the Colonial Architect will best explain to you.

James Barnet, Esq., again called in and further examined:—

J. Barnet, Esq. 429. *By the Chairman*: Have the returns which you were asked for on the last occasion been yet prepared? Yes; these are the returns. (*The witness handed in the same. Vide Appendix G. No. 1 and G. No. 2.*)

31 July, 1863. 430. One of these returns states the dates of the expenditure of that portion of the £5,783 10s. 7d. that was expended about Government House—Could you supply the Committee with the dates of each item of expenditure making up the rest of that sum? I think the Auditor General could do that.

431. The Auditor General told us you could do that much more readily? I do not know whether we can or not; it will cause us a great deal of labour to get at it.

432. My object is to ascertain in what year, and at what period of the year, each sum was paid? I believe that can be had.

433. Could it not be done very readily? It will take some time to do. I do not know how long it will take.

434. How long would it take to prepare a return merely giving the sums and the dates? Perhaps it would take a week; it has taken nearly two weeks to get what we have got already.

435. How long will it take to prepare a return, shewing the amount expended in each year of this £5,783 10s. 7d.? The total amount, not the details—that could be done in the course of two days.

436. Could you supply the Committee with a return shewing when these sums, making up this sum of £5,783 10s. 7d., over and above those of which you have given the Committee information, were expended? That is to say, information additional to that contained in the return I have now handed in?

437. Yes; you could give us that in a couple of days? I think so—not the details, of course—merely the lump sums. (*Vide Appendix G. No. 3.*)

438. Among the returns which you handed in as vouchers from your office of the expenditure at Government House, were two papers in connection with the work in front of Government House; and in each of these, reference is made to some other documents in connection with them—Are these documents in your office, or have you produced all you can find there in the shape of authority for works at Government House? I believe I produced all I could find at the time.

439. You know nothing, then, of the other papers which are referred to in those two papers? I do not know what the papers refer to; they may be in the office.

440. Did you make inquiries for all the vouchers before you brought these here? Yes.

441. And you were not able to find any more than those you have placed before the Committee? No.

442. Did you instruct anyone recently to go to Government House, under the authority of the Committee, to examine any works there? No.

443. The reason I ask the question is this: I have heard that some persons from your department went there without asking permission, and when they were spoken to, said they were there by the authority of this Committee, or of the Chairman of this Committee—Did you give such authority? I gave no such authority; I am aware they did go, but I gave no such authority.

444. The papers I alluded to just now are referred to in this memorandum:—"The garden wall at Government House has been executed by my department, under the authority of the estimate contained in the accompanying letter." Are you aware of any such letter in your office? I am not aware of it.

445. Whose minute is that? Mr. Dawson's.

446. The late Colonial Architect? Yes.

447. Will you cause a search to be made in your department for any letter answering the description there? Yes*

448. The other paper to which I just now referred is to the following effect:—"Answer and report that nearly the whole of the stone could be procured from Darlinghurst Gaol; that

" the

* NOTE:—The letter referred to in E. No. 1 is that of which E. No. 4 is a copy; the original is, I believe, with the Secretary for Public Works. (*Vide Appendix.*)

- “ the actual money cost will be about ”—whether it is £800 or £300 I cannot say—“ which may be defrayed out of the Government vote ”; addressed to Mr. Chapman, and signed by the initials of Mr. Dawson. Are you aware of anything in your department, preceding that, which may have been the foundation of that report? I am not aware of any paper.
449. Will you cause a strict search to be made, to ascertain whether there are any such papers? Yes.†
450. Is there any other information you wish to give the Committee, about any of the matters respecting which you have been already examined? No, not that I am aware of.
451. *By Mr. Lucas:* What is the value of a superficial foot of coping such as is used at the wall at Government House? What sized coping?
452. Per superficial foot—you have seen the wall? Four inches thick, I think it is.
453. What do you think is the value of it? About 18d.
454. That is, to find stone and all? Yes.
455. What value would you place upon the wall;—for instance, there are 194 perches mason work, ashlar backed in with rubble? I suppose it is finished to match the coping—I do not recollect.
456. You do not know how it is finished, and could not give an idea of the value of the work? I have not noticed it sufficiently. I have noticed the coping; that is worth 18d. a superficial foot.
457. What is the value of the labourers per day? At present?
458. In 1861? There is very little difference, I believe; about 7s. or 8s. a day.
459. What is the value of mechanics—quarrymen? I do not know what quarrymen earn at present.
460. How do you check the day-work in your department? We have a time-keeper who checks the time; he daily goes on to the works.
461. Do you expect the persons at work to give you a check of how long they have been employed at each work, or do you leave it to the contractor only? The contractor sends in a daily return, and that is checked by the time-keeper and the clerk of the works.
462. You require nothing from the workmen? Nothing from the workmen.
463. You could not form any idea of the number of cubic yards of excavation there were for that wall? I could not; I have nothing to enable me to do so.
464. Would there be any great difficulty in obtaining the quantity? The place is all filled in, for the purpose of planting flowers.
465. On both sides of the wall? On the inner side. I think the outside has been also filled in since.
466. There would then be some difficulty in getting the quantity? We could not, I believe, get it correctly now.
467. Would it be difficult to get an approximation? Anything you could get would be only an approximation.
468. Would there be any difficulty in that? Not in getting an approximate estimate.
469. Not having seen the place, you could hardly give an estimate of what the excavation is worth a yard? I have seen the place, but I have never taken into consideration the price of the work.
470. Could you give within 2d. or 3d. a yard? Excavation in earth or stone?
471. Are there any excavations in rock for the wall? There would not be unless there were a necessity for levelling.
472. There would be no necessity for levelling for a foundation of a wall of this description? It would require some little levelling.
473. It would not without the rock projected above the surface of the earth? I believe it did in some parts project above the surface of the earth.
474. *By Mr. Burdekin:* Were all these works at Government House done under contract or day-work? There was an annual contract, under which the contractor supplies the men at so much a day.
475. *By Mr. Lucas:* From what you have seen of the men supplied by the contractor, should you say that they are fair samples of workmen? We do not always get the best.
476. Are there not among them, young men who are serving their apprenticeship? No, I do not think there are.
477. But the contractors do not supply you with the best men? Not always, but we have a number of very good men.
478. Do you not think if the public pay 12s. a day for mechanics they should have the best men? They do not pay 12s. a day.
479. But they did in 1860? No; you will find that there is a large per centage deducted. These are fixed prices, and the contractors tender so much per cent. above or below.
480. Do you know the reduction upon this schedule for the present year? It shews 16 per cent. here (*referring to the return*). Masons at present, I think, are 12½, and carpenters 16½.
481. *By Mr. Burdekin:* Do you think it a good plan, and one by which you are likely to get efficient men? I do not like it myself.
482. How long does the contract last? Twelve months.
483. Do you not think, under that system you are likely to get the worst men the contractor can induce you to take? I have some very good men.
484. *By Mr. Lucas:* Do you not think there might be a book kept in your office, in which might be entered a statement of whatever work may arise during the day, in order that the contractors

J. Barnet,
Esq.

31 July, 1863.

† NOTE:—E. No. 2 is Mr. Dawson's instructions to the Chief Clerk, as to the report which is indorsed on E. No. 4. (*Vide Appendix.*)

J. Barnet,
Esq.

31 July, 1863.

contractors might refer to it, proceed at once to examine the job, and tender for it within two or three hours—would not that be better than this system of day-work? There must be day-work.

485. For instance, a few slates are off some public building, that is entered in a book; the first three contractors enter the office in the morning, see what work is required, go and look at it, come back, and in two or three hours tender for it—do you see any difficulty in that? It would involve delay.

486. Would it involve more delay here than it does in Melbourne? A system something like that I was inclined to propose myself.

487. Would not the system I propose be much better than the system of day-work? I should be glad to get rid of this system of day-work.

488. Also measuring work, is not that very objectionable? Yes, lately I have done away with it as much as possible.

489. A system of the sort I suggest would do away with the measurement, and also with day-work? Still I do not see how we could do away with day-work.

490. Suppose the case of the smallest job, what would be the difficulty of the first three contractors who came to the office going to inspect this job, and from casting their eyes over, telling in ten minutes what it was worth? They ought to be able to do that. Many things might be done without delay.

491. Are there any deductions made from the schedule of prices for the measured work that is given here? I do not understand you.

492. For instance, there are here ninety-four perches of mason-work, forty-four perches of rubble, and 568 superficial feet of coping—of course that is measured work? Yes.

493. Are any deductions made? Yes; the per centage applies to all cases, both of measured and day-work, wherever we can we make it measured work. In some years the deduction is greater than in others. The deduction upon masons' work this year is twelve and a half per cent.

494. Then from this 568 feet of coping there would be a deduction of twelve and a half per cent.? No, that year it would be sixteen per cent.

**PAYMENTS MADE OUT OF PUBLIC FUNDS WITHOUT AUTHORITY OF
PARLIAMENT.**

APPENDIX.

(To Evidence given by the Auditor General, 7 July, 1863.)

A. No. 1.

A RETURN of all instances during the last three years (from 26th June, 1860, to 26th June, 1863), in which payments have been made out of the Public Funds of the Colony without the authority of the Parliament, so far as can be readily ascertained from the books of this Office.

SERVICE OR PURPOSE.	No. of Warrant.	Date.	Amount.	TOTAL.
			£ s. d.	£ s. d.
<i>On account of 1857 Services.</i>				
Furniture supplied to Government House in 1857, by Lenehan	28	15 April, 1863	.....	896 18 5
<i>On account of 1859 Services.</i>				
Principal Secretary—Salaries	83	31 Dec., 1859	.....	65 0 1
Steam Postal Communication <i>via</i> Suez	54	2 Sept., 1862	.....	2,220 9 8
Boatmen	61	24 Oct., 1862	.....	10 0 0
Water Police and Shipping Masters—Salaries	75	4 April, 1859	64 17 8	} 69 1 0
	3	8 Feb., 1860	4 3 4	
Aborigines—Medical attendance	55	18 Sept., 1862	.....	108 15 0
<i>On account of 1860 Services.</i>				
Sydney Police—Judicial contingencies	57	13 Oct., 1860	.....	6 2 3
Gaol, Goulburn—Contingencies	69	15 Dec., 1860	91 12 9	} 234 4 6
	75	31 Dec., 1860	142 11 9	
Benevolent Society, Sydney	79	" "	.....	2,425 0 0
Hospital, Kiandra	79	" "	.....	200 0 0
	63	14 Nov., 1860	401 8 11	} 563 2 8
Supreme and Circuit Court—Contingencies	69	15 Dec., 1860	8 18 0	
	75	31 Dec., 1860	150 0 0	
	3	6 Feb., 1861	2 15 9	} 20 0 0
Insolvent Court—Contingencies	57	13 Oct., 1860	10 0 0	
	63	14 Nov., 1860	10 0 0	} 1,163 0 2
Quarter Sessions—Contingencies	69	15 Dec., 1860	54 11 3	
	75	31 Dec., 1860	1,062 6 8	} 36 2 3
	3	16 Feb., 1861	36 2 3	
Court of Claims—Compilation of Return	69	15 Dec., 1860	.....	50 0 0
Printing and Bookbinding—Wages	75	31 Dec., 1860	.....	779 2 4
Conveyance of Mails	9	26 Aug., 1862	.....	123 0 11
Steam Navigation and Pilot Board	75	31 Dec., 1860	.....	20 18 0
Harbour Masters—Salaries	75	" "	.....	58 6 8
Glebe Island Abattoirs—Salaries	69	15 Dec., 1860	57 14 0	} 124 7 4
	75	31 Dec., 1860	66 13 4	
	69	15 Dec., 1860	9 2 8	} 22 9 4
Glebe Island Abattoirs—Contingencies	75	31 Dec., 1860	13 6 8	
Survey of Lands—Contingencies	85	31 Dec., 1862	.....	32 11 0
Kiandra Gold Fields—Contingent expenses	34	17 July, 1861	.....	494 14 3
Gold Fields—Salaries	67	24 Nov., 1862	.....	98 17 9
	57	13 Oct., 1860	1,217 10 0	} 11,177 1 7
Roads and Bridges, Kiandra Gold Fields	63	14 Nov., 1860	3,161 4 4	
	69	15 Dec., 1860	3,798 7 3	
	75	31 Dec., 1860	3,000 0 0	
	57	13 Oct., 1860	286 10 0	} 570 11 11
Repairs, Liverpool Dam	63	14 Nov., 1860	275 1 11	
	69	15 Dec., 1860	9 0 0	
	56	18 Oct., 1860	33 9 3	} 43 14 7
Chimney at Sydney Mint	65	15 Nov., 1860	10 5 4	
Lunatic Asylum, Parramatta	76	24 Dec., 1862	.....	69 12 0
	63	14 Nov., 1860	3 5 3	} 76 19 3
Repairs to Gaol, Berrima	69	15 Dec., 1860	69 12 6	
	69	" "	4 1 6	} 25 4 6
Dam, Tarban Creek	42	17 July, 1860	9 2 0	
	69	15 Dec., 1860	16 2 6	} 50 15 0
Light-house, Eden	61	24 Oct., 1862	.....
Casual repairs to Public Buildings	61	" "	.....	476 1 6
Alterations to Immigration Barracks	69	15 Dec., 1860	.....	73 14 3
	69	" "	452 0 4	} 874 16 9
Alterations to the Abattoirs, Glebe Island	69	" "	422 16 5	
	69	" "	2,229 7 2	} 2,520 3 2
Alterations to Parliamentary Buildings	75	31 Dec., 1860	290 16 0	
	3	8 Feb., 1860	4 16 6	} 304 16 6
Lock-up, West Bargo	63	14 Nov., 1860	150 0 0	
	75	31 Dec., 1860	150 0 0	
Police Buildings, Snowy River	31	15 May, 1860	.....	140 2 0
Compensation to Mrs. De Courcy	82	31 Dec., 1860	.....	20 0 0
<i>On account of 1861 Services.</i>				
Gaol, Goulburn—Contingencies	41	12 July, 1862	.....	82 1 11
Gaol, Berrima—Contingencies	42	22 July, 1862	.....	260 11 6
	56	18 Oct., 1861	438 11 5	} 3,291 9 1
	62	28 Oct., 1861	25 0 0	
	65	15 Nov., 1861	1,026 7 8	
Volunteers	71	27 Nov., 1861	112 10 0	
	73	18 Dec., 1861	616 13 0	
	80	28 Dec., 1861	61 10 0	
	82	31 Dec., 1861	93 2 6	} 917 14 6
	86	" "	917 14 6	
Expenses connected with the adequate representation of the Colony at the International Exhibition of 1862	82	31 Dec., 1861	.....	851 6 1
Carried forward .. .. .	.....	.....	£	30,675 2 11

SERVICE OR PURPOSE.	No. of Warrant.	Date.	Amount.			TOTAL.		
			£	s.	d.	£	s.	d.
Brought forward	30,675	2	11
<i>On account of 1861 Services—continued.</i>								
Further expense of taking the Census of 1861	49	12 Sept., 1861	2,258	9	7	2,953	6	5
	62	28 Oct., 1861	425	11	0			
	71	27 Nov., 1861	75	0	0			
First Military Expedition to Lambing Flat	82	31 Dec., 1861	194	5	10	1,911	18	4
	12	11 Mar., 1861	1,411	8	9			
	17	10 April, 1861	500	9	7			
	46	23 Aug., 1861	158	9	8			
	49	12 Sept., 1861	846	17	4			
	56	18 Oct., 1861	284	3	4			
	56	"	22	16	0			
	46	23 Aug., 1861	16	16	8			
Second Military Expedition to Lambing Flat	62	28 Oct., 1861	2,334	8	8	7,878	19	5
	65	15 Nov., 1861	1,441	16	5			
	71	27 Nov., 1861	826	0	0			
	73	18 Dec., 1861	893	3	9			
	80	28 Dec., 1861	104	16	1			
	82	31 Dec., 1861	59	2	0			
	82	"	2	6	8			
	82	"	309	4	7			
	65	15 Nov., 1861	81	7	6			
	73	18 Dec., 1861	1	7	0			
	86	31 Dec., 1861	218	17	6			
Quarter Sessions—Contingencies ..	86	"	277	6	3	2,415	6	11
	61	24 Oct., 1861	446	18	3			
	73	18 Dec., 1861	1,296	8	7			
Colonial Storekeeper—Salaries ..	82	31 Dec., 1861	672	0	1	467	14	2
	12	11 Mar., 1861	151	0	10			
	17	10 April, 1861	151	0	10			
Colonial Storekeeper—Contingencies ..	21	13 May, 1861	151	0	10	390	7	10
	28	14 June, 1861	14	11	8			
	17	10 April, 1861	139	17	3			
	21	13 May, 1861	171	15	3			
Printing and Bookbinding—Contingencies ..	28	14 June, 1861	66	14	10	206	2	8
	34	17 July, 1861	1	15	0			
	40	15 Aug., 1861	9	10	6			
Postage	65	15 Nov., 1861	0	15	0	65	10	11
	82	31 Dec., 1861	.....	.....	.....
	42	22 July, 1862	3	7	11			
	55	18 Sept., 1862	45	0	9			
	61	24 Oct., 1862	3	8	4			
Alpacas—Salaries	67	24 Nov., 1862	3	13	0	29	3	4
	76	24 Dec., 1862	1	2	11			
	85	31 Dec., 1862	1	18	8			
Alpacas—Contingencies	93	"	6	19	4	24	6	4
	61	24 Oct., 1862	.....	.....	.....
Gunpowder Magazine—Salaries ..	56	18 Oct., 1861	13	14	2	51	4	2
	65	15 Nov., 1861	12	10	0			
	73	18 Dec., 1861	12	10	0			
Gunpowder Magazine—Contingencies	82	31 Dec., 1861	12	10	0	171	3	2
	49	12 Sept., 1861	90	0	0			
	73	18 Dec., 1861	50	0	0			
	4	13 Feb., 1862	31	3	2			
Emigration from the United Kingdom	12	11 Mar., 1861	334	0	0	1,728	14	3
	17	10 April, 1861	802	4	3			
	21	13 May, 1861	592	10	0			
Immigration Department—Salaries ..	12	11 Mar., 1861	276	16	8	387	10	0
	21	13 May, 1861	64	11	8			
	28	14 June, 1861	16	13	4			
Immigration Department—Contingencies	38	29 July, 1861	29	8	4	57	1	9
	12	11 Mar., 1861	10	11	3			
Survey of Lands—Contingencies ..	17	10 April, 1861	2	4	6	5,079	13	5
	21	13 May, 1861	44	6	0			
	55	18 Sept., 1862	4,923	16	10			
	85	31 Dec., 1862	155	16	7			
	73	18 Dec., 1861	50	0	0			
	86	31 Dec., 1861	20	0	0			
	4	13 Feb., 1862	365	4	3			
Expenses under the Cattle Disease Prevention Act	12	21 Mar., 1862	79	10	0	15,919	16	7
	20	17 April, 1862	385	6	0			
	27	19 May, 1862	633	8	4			
	35	24 June, 1862	220	8	4			
	42	22 July, 1862	6,548	10	0			
	48	22 Aug., 1862	5,740	15	6			
	55	18 Sept., 1862	90	5	6			
	61	24 Oct., 1862	266	13	8			
	67	24 Nov., 1862	347	5	6			
	76	24 Dec., 1862	238	4	3			
	86	31 Dec., 1862	280	19	1			
	9	18 Feb., 1863	148	15	8			
	20	14 Mar., 1863	115	12	7			
28	15 April, 1863	116	13	4				
39	14 May, 1863	90	16	8				
52	25 June, 1863	181	7	11				
Carried forward	£	70,413	2	7

APPENDIX.

3

SERVICE OR PURPOSE.	No. of Warrant.	Date.	Amount.	TOTAL.
			£ s. d.	£ s. d.
Brought forward .. .. .	....	.....	.....	70,413 2 7
<i>On account of 1861 Services—continued.</i>				
Rations for Chinese during Riot at Burrangong	65	15 Nov., 1861	23 3 4	} 2,099 6 5
	35	24 June, 1862	2,076 3 1	
Repair of Road from Railway Station, Campbelltown, to Great South Road ..	56	18 Oct., 1861	60 11 0	} 1,000 0 0
	65	15 Nov., 1861	471 11 4	
	73	18 Dec., 1861	375 19 9	
	82	" "	91 17 11	
Steam Tug for the Dredge "Hunter" ..	73	" "	.....	2,000 0 0
Employment of Prisoners, Parramatta Gaol..	61	24 Oct., 1862	.....	542 15 10
	65	15 Nov., 1861	127 5 9	
	73	18 Dec., 1861	383 10 4	} 632 0 0
Preliminary Harbour Surveys	86	31 Dec., 1861	67 0 9	
	1	22 Jan., 1862	54 3 2	
Approaches to Queanbeyan Bridge	71	27 Nov., 1861	.....	446 0 0
	40	15 Aug., 1861	9 15 0	
Approaches to Marsden's Bridge	49	12 Sept., 1861	20 5 0	} 219 0 0
	65	15 Nov., 1861	39 0 0	
	82	31 Dec., 1861	150 0 0	
Buildings at Lambing Flat	12	21 Mar., 1862	29 10 8	} 251 15 7
	61	24 Oct., 1862	222 4 11	
Military Buildings	61	" "	.....	427 8 11
Furniture for Public Offices	61	" "	.....	384 14 0
Casual Repairs to Public Buildings	61	" "	.....	5,783 10 7
Light-house, King's Island	27	19 May, 1862	.....	196 0 11
Gunpowder for Fortifications	79	20 Dec., 1861	.....	1,611 7 1
<i>On account of 1862 Services.</i>				
Police Services	14	26 Feb., 1863	9,507 19 9	} 19,962 5 1
	20	14 Mar., 1863	5,664 4 11	
	33	24 April, 1863	3,976 7 8	
	39	14 May, 1863	260 12 7	
	52	25 June, 1863	553 0 2	
Gaol, Sydney—Salaries	85	31 Dec., 1862	.....	331 1 2
Gaol, Goulburn—Salaries	1	16 Jan., 1863	.....	79 0 5
Gaol, Berrima—Salaries	85	31 Dec., 1862	.....	39 13 0
	93	" "	1,500 0 0	
National Schools	7	12 Feb., 1863	2,860 3 0	} 5,000 0 0
	20	14 Mar., 1863	96 1 4	
	47	23 May, 1863	543 15 8	
Hospital, Kiandra	48	22 Aug., 1862	120 18 1	} 185 16 9
	76	24 Sept., 1862	64 18 8	
Hospital, Deniliquin	20	14 Mar., 1863	.....	200 0 0
Hospital, Burrangong	48	22 Aug., 1862	.....	200 0 0
Hospital and Benevolent Society, Adelong ..	52	25 June, 1863	.....	121 13 0
	9	18 Feb., 1863	26 10 0	
Paupers in Colonial Hospitals	20	14 Mar., 1863	1,477 12 2	} 1,534 0 2
	23	15 April, 1863	29 18 0	
Further Expense of taking the Census of 1861	48	22 Aug., 1862	.....	200 0 0
Reimbursement of the Benevolent Society, Sydney, for repairs to Buildings at Liverpool	48	22 Aug., 1862	.....	1,601 3 7
	55	18 Sept., 1862	349 10 9	
	64	24 Oct., 1862	52 13 6	
	67	24 Nov., 1862	71 7 9	
	76	24 Dec., 1862	12 2 6	
Preparation of Electoral Lists	86	31 Dec., 1862	33 1 0	} 584 10 4
	9	18 Feb., 1863	5 2 6	
	20	14 Mar., 1863	20 7 4	
	23	15 April, 1863	36 17 3	
	39	14 May, 1863	1 4 9	
	52	25 June, 1863	2 3 0	
	20	17 April, 1862	96 4 6	
	27	19 May, 1862	211 6 6	
	35	14 June, 1862	172 6 0	
	41	12 July, 1862	338 16 4	
Maintenance of Troops at Lambing Flat	42	22 July, 1862	30 10 0	} 2,409 13 2
	48	22 Aug., 1862	418 14 2	
	55	18 Sept., 1862	214 14 2	
	61	24 Oct., 1862	309 15 3	
	67	24 Nov., 1862	379 6 3	
	75	29 Nov., 1862	238 0 0	
Refund of Fine to J. Cunningham	48	22 Aug., 1862	.....	30 0 0
Supreme and Circuit Courts—Salaries ..	85	31 Dec., 1862	.....	73 6 8
	85	31 Dec., 1862	205 8 0	
	86	" "	250 0 0	
Supreme and Circuit Courts—Contingencies	14	26 Feb., 1863	42 6 0	} 526 4 6
	20	14 Mar., 1863	2 0 0	
	25	27 Mar., 1863	25 5 6	
	28	15 April, 1863	1 5 0	
Carried forward .. .. .	....	.....	.....	£ 119,085 9 9

SERVICE OR PURPOSE.	No. of Warrant.	Date.	Amount.			TOTAL.		
			£	s.	d.	£	s.	d.
Brought forward	119,085	9	9
<i>On account of 1862 Services—continued.</i>								
Quarter Sessions—Contingencies ..	61	24 Oct., 1862	304	13	1	3,448	9	11
	67	24 Nov., 1862	892	13	2			
	76	24 Dec., 1862	1,126	10	0			
	85	31 Dec., 1862	725	13	8			
	7	12 Feb., 1863	357	0	0			
Law Expenses, Berry v. Graham—Advance..	20	14 Mar., 1863	42	0	0	1,222	9	3
	27	19 May, 1862	.....	.....	.....
	86	31 Dec., 1862	118	4	0			
Law Expenses, Jenkins v. Collins ..	20	14 Mar., 1863	153	14	4	271	18	4
Law Expenses, Robertson <i>ats.</i> Dumaresq ..	54	2 Sept., 1862	.....	.....	.....
	86	31 Dec., 1862	173	3	9	457	4	10
Customs—Contingencies	6	6 Feb., 1863	281	8	7			
	19	5 Mar., 1863	2	12	6			
Printing and Bookbinding—Wages	85	31 Dec., 1862	435	13	7
Money Order Office—Salaries	86	"	164	10	10
Money Order Office—Contingencies	9	18 Feb., 1863	45	0	0
Shipping Masters—Salaries	85	31 Dec., 1862	35	6	1
Guns and Ammunition	26	7 May, 1862	72	3	3	3,642	5	7
	33	20 May, 1862	1,853	18	11			
	54	2 Sept., 1862	1,686	3	5			
	76	24 Dec., 1862	81	10	11			
	85	31 Dec., 1862	289	1	9			
	86	"	11	12	8			
	93	"	22	16	10			
Postage	1	16 Jan., 1863	21	16	6	714	8	5
	6	6 Feb., 1863	3	4	2			
	9	18 Feb., 1863	112	17	0			
	20	14 Mar., 1863	104	4	0			
	28	15 April, 1863	10	17	0			
	33	24 April, 1863	10	0	0			
	37	6 May, 1863	4	1	10			
	39	14 May, 1863	15	7	4			
	46	21 May, 1863	5	12	11			
	52	25 June, 1863	21	5	6			
Public Telegrams	9	18 Feb., 1863	1,470	8	3	1,803	12	8
	14	26 Feb., 1863	0	18	3			
Department of Lands—Salaries	20	14 Mar., 1863	332	6	2	130	16	2
	33	24 April, 1863	.....	.....	.....
	86	31 Dec., 1862	573	14	2			
	93	"	53	10	9	5,900	13	11
	1	16 Jan., 1863	0	7	0			
	7	12 Feb., 1863	57	3	6			
	9	18 Feb., 1863	1,256	17	7			
	14	26 Feb., 1863	12	2	0			
	20	14 Mar., 1863	1,706	18	3			
	25	27 Mar., 1863	111	13	6			
	28	15 April, 1863	1,171	10	8			
	37	6 May, 1863	0	15	0			
	39	14 May, 1863	829	3	6			
Commission on Land Sales, &c.. .. .	46	21 May, 1863	0	9	6	3,364	13	10
	49	28 May, 1863	1	2	6			
	52	25 June, 1863	125	6	0			
	44	11 May, 1863	182	7	5			
	52	25 June, 1863	3,176	16	5			
	57	24 June, 1863	5	10	0			
	14	26 Feb., 1863	3,149	16	3			
Survey of Lands—Contingencies	20	14 Mar., 1863	30	12	2	3,521	11	7
	33	24 April, 1863	341	3	2			
Gold Escort and Conveyance	61	24 Oct., 1862	120	0	0
Toll-houses and Gates, Clyde Road	61	"	500	0	0
Improving the Navigation of the Murrumbidgee River	85	31 Dec., 1862	125	6	8
Bridge at Burrowa	27	19 May, 1862	10	0	0	53	2	6
	41	12 July, 1862	40	0	0			
	61	24 Oct., 1862	3	2	6			
Fencing Cemetery at Young	61	"	187	0	0	280	10	0
	67	24 Nov., 1862	93	10	0			
Formation of Phillip-street	61	24 Dec., 1862	115	10	0
Toll-houses and Gates, Glebe Island Bridge ..	75	29 Nov., 1862	400	10	0
Subordinate Roads—Vote of £24,000	61	24 Oct., 1862	30	0	0	50	0	0
	75	29 Nov., 1862	20	0	0			
	85	31 Dec., 1862	.....	.....	.....
Fencing Road from Bathurst and Sydney Road, <i>via</i> the Limekilns, to the Turon Bunnerong or Old Botany Road	42	22 July, 1862	118	16	3	1,717	2	10
	43	22 Aug., 1862	97	17	1			
	55	18 Sept., 1862	699	17	0			
	61	24 Oct., 1862	492	4	6			
	67	24 Nov., 1862	2,572	6	1			
Additional Tolls and Ferries	36	31 Dec., 1862	84	0	0	252	0	0
	9	18 Feb., 1863	84	0	0			
	39	14 May, 1863	84	0	0			
Forming Charlotte-place	20	17 April, 1862	500	0	0
Bridge at Bungonia	61	24 Oct., 1862	397	2	6
Road from Kempsey to Armidale	£ 152,892	3	2

APPENDIX.

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SERVICE OR PURPOSE.	No. of Warrant.	Date.	Amount.	TOTAL.
Brought forward	£ s. d.	£ s. d.
			152,892 3 2
<i>On account of 1862 Services—continued.</i>				
Approaches to Jetty, Bateman's Bay ..	42	22 July, 1862	20 11 7	} 157 12 11
	48	22 Aug., 1862	104 18 0	
	76	24 Dec., 1862	32 3 4	
Colonial Architect—Salaries	1	16 Jan., 1863	.....	82 11 4
Colonial Architect—Contingencies ..	14	26 Feb., 1863	61 2 1	} 109 13 10
	33	24 April, 1863	48 11 9	
	76	24 Dec., 1862	123 13 5	
Dunstan's defalcations	17	27 Feb., 1863	350 0 0	479 17 5
	20	14 Mar., 1863	6 4 0	} 473 12 8
Repairs, Main Western Road	85	31 Dec., 1862	.....
Benevolent Asylum, Parramatta ..	49	28 May, 1863	85 5 1	} 360 7 0
	52	25 June, 1863	275 1 11	
Benevolent Asylum, Liverpool..	49	28 May, 1863	7 10 2	} 11 17 11
	52	25 June, 1863	4 7 9	
Parliamentary Stand in Domain	61	24 Oct., 1862	.....	238 4 2
Approaches to Bridge, Wagga Wagga..	85	31 Dec., 1862	.....	1,500 0 0
Light-house, Port Stephens	61	24 Oct., 1862	.....	1,630 15 11
Inspector's Office, Brisbane Distillery..	55	18 Sept., 1862	.....	100 0 0
	25	27 Mar., 1863	150 0 0	} 331 1 3
Additions to Insolvent Court	33	24 April, 1863	152 3 2	
	52	25 June, 1863	28 13 1	
Alpacas—Contingencies.. .. .	9	18 Feb., 1863	52 17 6	} 145 9 6
	28	15 April, 1863	2 12 0	
	52	25 June, 1863	90 0 0	} 100 0 0
Repair of Reservoir, Campbelltown ..	33	24 April, 1863	.....
<i>On account of 1863 Services.</i>				
Principal Secretary's Department—Gratuity to Castle Mitchell	52	25 June, 1863	.....	260 8 4
Australian Museum, additions to ..	54	25 June, 1863	.....	98 3 1
	7	12 Feb., 1863	337 10 0	} 1,687 10 0
Land Titles Branch—Salaries	20	14 Mar., 1863	337 10 0	
	28	15 April, 1863	337 10 0	
	39	14 May, 1863	337 10 0	} 200 0 0
Hospital, Forbes	52	25 June, 1863	337 10 0	
Hospital, Burrangong	28	15 April, 1863	.....	200 0 0
Preparation of Electoral Lists	52	25 June, 1863	.....	63 1 7
Seed wheat and oats supplied to settlers in New South Wales	28	15 April, 1863	7 4 0	} 7,010 1 6
	39	14 May, 1863	4,050 0 0	
	52	25 June, 1863	2,952 17 6	
Stores procured from the Imperial Government	20	14 Mar., 1863	.....	593 2 0
Stores generally	52	25 June, 1863	31 15 8	} 1,677 6 8
	57	24 June, 1863	1,645 11 0	
Salary of Superintendent of Lights, Harbours, &c.	20	14 Mar., 1863	54 3 4	} 216 13 4
	28	15 April, 1863	54 3 4	
	39	14 May, 1863	54 3 4	
	52	25 June, 1863	54 3 4	
Money Order Office—Salaries	20	14 Mar., 1863	116 13 4	} 466 13 4
	28	15 April, 1863	116 13 4	
	39	14 May, 1863	116 13 4	
	52	25 June, 1863	116 13 4	
Money Order Office—Contingencies ..	52	25 June, 1863	.....	45 0 0
Clerk to Emigration Officer	52	25 June, 1863	.....	17 8 1
Salaries of Examiner and Inspectors of Coal Fields	38	15 April, 1863	56 4 10	} 225 1 2
	39	14 May, 1863	60 9 8	
	52	25 June, 1863	108 6 8	} 43 0 0
Unforeseen expenses at the Gold Fields	39	14 May, 1863	25 0 0	
Fencing Cemetery, Wagga Wagga ..	52	25 June, 1863	18 0 0	94 16 6
Compensation for land resumed for Onions Point Road	39	14 May, 1863	.....	125 0 0
Local Court, Burrangong	33	24 April, 1863	42 10 0	} 59 10 0
	52	25 June, 1863	17 0 0	
Furniture and Fittings for the new Wing of the Randwick Destitute Children's Asylum	39	14 May, 1863	.....	750 0 0
Lunatic Asylum, Tarban Creek	25	27 Mar., 1863	1,041 13 4	} 1,747 13 10
	49	28 May, 1863	131 3 0	
	52	25 June, 1863	574 17 6	
	33	24 April, 1863	500 0 0	} 1,019 6 0
Additions to Registry Office	49	28 May, 1863	500 0 0	
	52	25 June, 1863	19 6 0	1,748 15 0
Parliamentary Buildings.. .. .	52	" "	.....	157 10 4
Parliamentary Stand in Domain	52	" "	.....	} 758 1 7
Harbour Defences	49	28 May, 1863	599 11 7	
	52	25 June, 1863	158 10 0	£ 177,877 9 5

Audit Office, Sydney,
7 July, 1863.

W. C. MAYNE,
Auditor General.

A. No. 2.

MEMORANDUM of the Total Amounts of Payments by the Colonial Architect from the Votes for Repairs, Alterations, and Additions to Public Buildings generally, and Furniture and Fittings for Public Offices generally, on account of Government House and Out-buildings, from 26th June, 1860, to 26th June, 1863.

YEAR.	Fund.	Government House.	Stables.	Total.	Remarks.	
1860	Vote for Repairs, Alterations, and Additions to Public Buildings generally.	£ s. d. 314 12 9	£ s. d. 28 7 0	£ s. d. 342 19 9	This is only to 31st March. The details of payments in April, May, and June, not yet furnished.	
1861		3,174 19 1	366 6 11	3,511 6 0		
1862		1,953 5 11	204 14 7	2,158 0 6		
1863		42 10 0	.....	42 10 0	
		5,485 7 9	569 8 6	6,054 16 3		
1860	Vote for Furniture and Fittings for Public Offices generally.	77 4 4	4 10 0	81 14 4		
1861		927 5 10	5 10 0	932 15 10		
1862		300 8 0	2 8 0	302 16 0		
1863		.....	.....	.....
		1,304 18 2	12 8 0	1,317 6 2		

Audit Office, Sydney, New South Wales,
7th July, 1863.

W. C. MAYNE,
Auditor General.

A. No. 3.

MEMORANDUM.

The following amount was voted on the Supplementary Estimate for 1861, viz. :—
For the improvement of the Domain, and extension of the garden, Inner Domain .. £210 0 0
Against which the following payments appear in the accounts of the Director of the

Botanic Gardens, for extension of the garden, Inner Domain, viz. :—

Voucher.	18 May, 1861.—Paid George Plowman, for fencing ground	*£18 0 0
990-12.	31 May, 1861.—John Connor, carting soil to the new garden	*16 10 0
990-13.	31 May, 1861.—William Hopkins, for excavating rock	*22 0 0
990-14.	15 & 29 June.—Wages to men employed laying out garden	17 12 6
18.	29 June.—John Connor, carting soil	14 8 0
19.	13 & 31 July.—Wages to men employed in laying out the garden	19 12 0
28.	22 July.—George Plowman, for trenching	22 10 0
29.	16 August.—Do. laying out garden	12 19 6
33.	29 August.—Do. do.	14 12 0
34.	24 September.—Do. do.	32 16 0
41.	30 September.—John Connor, carting soil	8 8 0
42.	12 October.—George Plowman, laying out garden	20 16 6
48.		220 4 6
	Excess	£10 4 6

This excess has been charged to the unexpended balance on the Vote for Contingencies generally, for the Domains and Hyde Park, 1862.

W. C. MAYNE,
Auditor General.

Audit Office, Sydney,
29 June, 1863.

* The vouchers for these numbers, as per margin, will be found in the bound volume marked 987—1022, of 1861.

A. No. 4.

PROCEEDINGS of the Executive Council, on the 18th March, 1862, relative to the payment of expenses incurred in the case of *Berry v. Graham*.

Minute No. 62-10.—Confirmed, 2nd March, 1862.

HIS Excellency the Governor lays before the Council a minute paper by the Honorable the Vice-President, informing them that as, by a recent decision of the Supreme Court in the case of *Berry v. Graham* and another, it has been decided that the Municipality of Shoalhaven was not legally constituted under the Municipalities Act, and the defendants have thereby been made liable for damages and costs for the levy of rates, application has been made for payment from public funds of the expenses so incurred.

2. The Council, feeling that this is one of those cases in which the Government are in equity liable, advise the payment of damages and costs for the levy of rates in the case referred to, in anticipation of a vote of the Legislature for such purposes.

CHARLES COWPER, JUNR.,
Clerk of the Council.

A. No. 5.

EXTRACT from Minute of Executive Council, No. 62-37, of 6th November.

THE Executive Council authorize the following expenditure in anticipation of vote, viz. :—
In the case of *Berry v. Graham*, payment of damages and costs for the levy of rates, viz., £200.

EXTRACT from Minute of Executive Council, No. 63-15, of 23rd April.

THE sum of £300 to Messrs. Oliverson and Co., of London, a further advance on account of the expenses of appeal in the case of *Berry v. Graham*.

A. No. 6.

APPENDIX.

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A. No. 6.

EXTRACT from Minute of Executive Council, 63-3, of 20th January, 1863.

SECRETARY FOR WORKS.

AUTHORITY in anticipation of vote for the expenditure of £11,000, for the completion of the masonry and roofing in of the Australian Museum.

A. No. 7.

EXTRACT from Minute of Executive Council, dated 27th May, 1863.

AUTHORITY for the appropriation of the vote of £6,000, voted by the Legislature for the construction of a bridge over the Hunter River at West Maitland, to the erection of an iron bridge over the said river at Pitnacree.

Also, authorizing the expenditure of a further sum of £3,000, to meet the extra expense attending the said works, to be provided for on the next Estimates.

(To Evidence given by H. Chapman, 7 July, 1863.)

B. No. 1.

PAYMENTS—Government House, 1st January, 1860, to 6th June, 1863.

Date.	No. of Voucher.	Name.	Particulars.	Amount.
1860.				£ s. d.
1—7 Jan. ..	3		Wages to carpenters	6 18 0
2—7 " ..	42	J. Hill, jun., & Son ..	Taking up and relaying carpets, &c.	10 9 6
3—14 " ..	81	J. Wilson	Plumbers' work	0 13 0
4—21 " ..	106	E. C. Weekes & Co. ..	Emery powder, &c.	0 3 6
5—21 " ..	94	Thos. Dawson	Cleaning, winding, and repairing clocks	7 7 0
6—25 Feb. ..	238	Beaumont & Chapman ..	Painters' and glaziers' work ..	13 3 3
7—25 " ..	229	Chas. Lewis	Repairing iron frame	0 9 0
8—3 Mar. ..	271	Donohoe & Vaughan ..	Repairing flagging	0 12 6
9—3 " ..	266	J. Miller	Plumbers' work	5 9 6
10—21 April ..	433	R. Mansfield	Hire of gas meter	1 10 0
11—28 " ..	511	Thos. Spence	Carpenters' work, out-buildings, &c.	96 19 5
12—28 " ..	507	Beaumont & Chapman ..	Painters' work	8 12 0
13—28 " ..	504	Wm. Adair	Emptying privies	5 0 0
14—28 " ..	481	F. Mitchell	Patent hose, signal halyards, &c. ..	10 10 0
15—28 " ..	475	Thos. Martin	Bells, and hanging bell	6 0 0
16—28 " ..	479	Murphy & Co.	Lime	0 2 4
17—28 " ..	473	Thompson Symonds & Co. ..	Green baize	4 2 6
18—21 " ..	438	P. N. Russell & Co. ..	Repairing boiler—canvas hose, &c.	25 17 11
19—28 " ..	434	R. Mansfield	Gas meter	1 10 0
20—28 " ..	423	J. Hill, junr., & Son ..	Taking up carpets, &c.	3 5 0
21—28 " ..	419	Iredale & Co.	Rim locks	0 14 6
22—28 " ..	392	C. Lewis	Repairing iron frame	0 3 0
23—12 May ..	580	Jno. Wilson	Plumbers' work	14 4 4
24—19 " ..	592	Wm. Harmer	Repairing shingling, &c.	8 18 6
25—19 " ..	612	J. Hill, junr., & Son ..	Repairing blinds	0 5 0
26—26 " ..	627	Wm. Porter	Sweeping chimneys	1 7 0
27—26 " ..	617		Wages to labourers	3 10 0
28—26 " ..	629	Donohoe & Vaughan ..	Repairing flagging	0 14 6
29—2 June ..	652	W. H. Rolfe	Timber	8 13 10
30—7 July ..	769	J. Hill, junr., & Son ..	Fittings, &c.	18 17 6
31—14 " ..	807	J. Hill, junr., & Son ..	Blinds, &c.	6 0 0
32—21 " ..	834	Wm. Harmer	Carpenters' work	26 15 5
33—28 " ..	853	Ashdown & Co.	Screws, &c.	1 1 11
34—28 " ..	866	W. Renny	Painters' and glaziers' work ..	18 0 7
35—4 Aug. ..	895	J. O'Shaughnessy ..	Removing rubbish	1 5 2
36—4 " ..	905	Thos. Spence	Pointing stone-work, &c.	5 3 6
37—4 " ..	911	Constable & Turner ..	Gas fitters, repairs, &c.	46 2 3
38—25 " ..	964	R. Wynne	Plumbers' and slaters work ..	13 14 1
39—25 " ..	968	F. Mitchell	Lightning conductor	20 4 0
40—22 Sept. ..	1067	Beaumont & Chapman ..	Glaziers' repairs	1 2 9
41—20 Oct. ..	1162	Parker & Bates	Carpet for ball room	29 3 4
42—27 " ..	1195	Wm. Penny	Cleaning locks, &c.	1 2 5
43—3 Nov. ..	1240	Ashdown & Co.	Coir matting	1 12 6
44—3 " ..	1251	Chisholm & Co.	Coir matting	4 13 0
45—7 " ..	1266	J. Hill, junr., & Son ..	Chairs, &c.	21 13 0
46—10 " ..	1271	Wages	Mason and labourers	11 3 0
47—10 " ..	1273	Ashdown & Co.	Ironmongery, &c.	2 8 10
48—10 " ..	1278	R. Mansfield	Hire of gas meter	3 0 0
49—10 " ..	1279	Eastway & Son	Wirework	6 0 2
50—17 " ..	1299	Wages	Mason and laborers'	8 16 0
51—17 " ..	1306	W. Renny	Painters' and glaziers' work ..	4 11 5
52—17 " ..	1310	Wm. Harmer	Carpenters' work	23 12 4
53—17 " ..	1316	J. O'Shaughnessy ..	Building cesspit	13 10 0
54—24 " ..	1341	Wages	Mason and labourers	8 13 0
55—1 Dec. ..	1381	Ditto	Ditto ditto	14 17 0
56—8 " ..	1398	Ditto	Ditto ditto	9 0 0
			Carried forward	574 13 3

PAYMENTS, &c.—continued.

Date.	No. of Voucher.	Name.	Particulars.	Amount.		
				£	s.	d.
			Brought forward	574	13	3
1860.						
57—15 Dec. ..	1415	Wages	Mason and labourers	9	0	0
58—15 " ..	1436	R. Wynne.. ..	Plumbers' and slaters' work	71	2	10
59—15 " ..	1444	P. N. Russell & Co.	Cast iron brackets	0	14	6
60—22 " ..	1453	Wages	Mason and labourers	8	10	0
61—29 " ..	1459	Ditto	Ditto ditto	4	18	0
1861.						
62—12 Jan. ..	40	Geo. Fowler	Repairing bells	1	10	0
63—25 January	98	Thos. Dawson	Repairing and cleaning clocks, &c.	5	5	0
64— 2 Feb. ..	127	W. Porter.. ..	Sweeping chimneys	0	13	6
65— 2 " ..	143	R. Mansfield	Hire of meter	1	10	0
66— 9 " ..	205	F. Callaghan	Cement	2	7	5
67— 9 " ..	206	W. Renny	Painters' and glaziers' repairs	7	10	1
68—16 " ..	228	J. Hill, junr., & Son	Laying carpets, &c.	5	18	6
69—23 " ..	245	Ashdown & Co.	Ironmongery	1	18	8
70—23 " ..	254	Constable & Turner	Lamp chimneys	0	8	0
71— 2 March..	288	W. Penny.. ..	Repairing bolt	0	4	0
72— 2 " ..	307	P. N. Russell & Co.	Repairing iron stands	0	16	0
73— 9 " ..	320	J. O'Shaughnessy	Repairing drains, and excavating	20	17	11
74—16 " ..	330	R. Wynne.. ..	Plumbers' and slaters' work	32	18	1
75—16 " ..	341	J. Hill, junr., & Son	Taking up carpets, &c.	3	4	0
76—23 " ..	351	Parker & Bates	Cleaning carpets, &c.	2	0	0
77—23 " ..	362	Wm. Harmer	Carpenters' work	15	6	4
78—27 April ..	516	Chisholm & Co.	Stair carpet, lace curtains, &c.	85	18	3
79— 4 May ..	531	Ashdown & Co.	Ironmongery	11	14	7
79A— 4 " ..	538	Goddard	Masons' work	45	3	11
80— 4 " ..	542	W. Renny.. ..	Painters' and glaziers' repairs	271	1	2
81— 7 " ..	552	R. M. Lindsay	Furniture—cabinet	45	0	0
82—15 " ..	584	W. H. Paling	Pianoforte	152	5	0
83—18 " ..	589	Buchanan, Skinner & Co.	Refrigerator	6	0	0
84—18 " ..	591	J. Hill, junr., & Son	Cleaning floors, &c.	5	13	6
85—18 " ..	596	Wm. Harmer	Repairing window sashes, &c.	18	1	2
86—18 " ..	598	Same	Repairing furniture	46	2	1
87—25 " ..	602	G. C. Hayes	Cedar press	33	0	0
88—25 " ..	604	Wm. Penny	Smiths' work	7	5	10
89— 1 June ..	631	J. Partridge	Plumbers' work	13	11	7
90— 8 " ..	658	Chisholm & Co.	Lace curtains	42	10	0
91— 6 July ..	725a	Wm. Porter	Sweeping chimneys	1	5	0
92—20 " ..	757	J. Hill, junr., & Son	Furniture, and repairing ditto	216	14	2
93—20 " ..	758	W. Patten.. ..	Marble slab	2	10	0
94—20 " ..	773	W. Harmer	Carpenters' work	311	8	5
95—20 " ..	760	T. J. Bown	Plate warmer	22	10	0
96—27 " ..	796	J. Goddard	Masons' work, &c.	318	16	4
97—27 " ..	803	W. Penny.. ..	Smiths' work	41	7	8
98— 3 August	868	Ashdown & Co.	Ironmongery, &c.	30	4	3
99— 3 " ..	871	Same	Door mats	6	14	6
100— 3 " ..	882	W. Renny	Painters' and plasterers' repairs	84	19	5
101— 3 " ..	885	S. Fuller	Blinds, &c.	40	9	6
102—10 " ..	905	Jas. Partridge	Plumbers' repairs.. ..	72	2	10
103—10 " ..	911	S. Long	Slaters' repairs	32	13	1
104—10 " ..	919	Chisholm & Co.	Drugget, &c.	8	8	3
105—10 " ..	922	Mitchell	Repairing signal haulyards	1	10	0
106—17 " ..	934	J. Hill, junr., & Son	Upholsters' work	77	2	7
107—17 " ..	940	W. Renny.. ..	Plasterers' work	3	2	10
108—17 " ..	941	W. Harmer	Carpenters' work	86	0	2
109—24 " ..	953	J. Goddard	Masons' work	232	4	9
110—24 " ..	954	Same	Bricklayers' work	194	19	6
111—24 " ..	956	P. N. Russell & Co.	Kitchen range, &c.	104	4	0
112—31 " ..	964	W. Harmer	Cedar chest	3	10	0
113—28 Sept. ..	1038	J. Hill, junr., & Son	Taking up carpets, &c.	9	7	6
114—28 " ..	1036	Chisholm & Co.	Bell rope	0	11	0
115—28 " ..	1030	Wm. Porter	Sweeping chimneys	1	4	6
116—26 October	1130	Chisholm & Co.	Drugget, &c.	2	10	11
117—26 " ..	1139	Same	Blinds, &c.	50	14	9
118—26 " ..	1120	Eastway & Son	Wire-work.. ..	5	2	8
119—26 " ..	1115	P. N. Russell & Co.	Fitting up kitchens, &c.	196	1	7
120—12 " ..	1085	J. Armstrong	Brass cleats	4	14	3
121—23 Nov. ..	1305	W. Renny	Painters' work	26	12	3
122—23 " ..	1303	W. Harmer	Carpenters' work	63	5	3
123—23 " ..	1294	G. Wacey	Ornamental vase, &c.	7	0	0
124—23 " ..	1293	W. Penny.. ..	Smiths' work	34	11	3
125—16 " ..	1249	A. Lenehan	Matting, &c.	25	3	4
126—16 " ..	1243	J. Hill, junr., & Son	Altering furniture, &c.	58	5	6
127— 2 " ..	1167	J. Goddard	Masons' and bricklayers' work	396	17	2
128—21 Dec. ..	1402	Constable & Turner	Gas fittings, &c.	233	12	3
129—21 " ..	1396	Ashdown & Co.	Ironmongery, &c.	8	15	1
130— 7 " ..	1365	J. Goddard	Bricklayers' work	45	6	3
131— 7 " ..	1358	Wm. Harmer	Carpenters' work	81	8	0
132— 7 " ..	1356	Jas. Partridge	Plumbers' work	19	9	4
1862.						
133—25 Jan. ..	77	Thos. Morris	Turners' work	1	12	0
134—25 " ..	73	W. Patten.. ..	Vases for garden	22	10	0
			Carried forward	4,742	5	3

APPENDIX.

PAYMENTS, &c.—continued.

Date.	No. of Voucher.	Name.	Particulars.	Amount.		
				£	s.	d.
1862.						
			Brought forward	4,742	5	3
135—13 Jan. ..	68	W. H. Dixon	Patent line and blocks	5	2	6
136—4 " ..	10	W. Porter	Sweeping chimneys	4	3	6
137—15 Feb. ..	224	Ashdown & Co.	Ironmongery	21	15	0
138—15 " ..	233	W. Harmer	Carpenters' work	104	8	7
139—15 " ..	234	Same	Repairing furniture, &c.	9	15	6
140—15 " ..	239	W. Penny	Smiths' work	24	13	5
141—22 " ..	265	W. Renny	Painters' works, &c.	24	10	9
142—22 " ..	266	J. Partridge	Plumber's work	22	16	2
143—22 " ..	275	J. Goddard	Masons' and bricklayers' work	79	0	0
144—22 " ..	278	A. Lenchan	Laying matting, &c.	6	0	0
145—22 Feb. ..	279	Chisholm & Co.	Repairing window blinds	10	19	9
146—15 Mar. ..	360	W. Penny	Smiths' work	18	14	4
147—3 April ..	408	J. Hill, junr., & Co.	Polishing furniture, &c.	4	12	6
148—12 " ..	431	R. Pedrick	Sweeping chimneys	0	10	0
149—12 " ..	447	M. Dawson	Repairing and cleaning clocks	1	19	0
150—18 " ..	455	A. Lenchan	Chairs	6	16	0
151—18 " ..	456	Same	Floorcloth, &c.	27	0	5
152—18 " ..	457	Same	Stair carpet, &c.	7	16	3
153—18 " ..	470	J. Hill, junr., and Son	Repairing tables	6	2	0
154—26 " ..	510	Wm. Harmer	Carpenters' work	19	0	3
155—3 May ..	543	Chisholm & Co.	Repairing blinds, &c.	8	14	2
156—17 " ..	596	C. Lewis	Smiths' work	12	19	7
157—20 " ..	614	J. Hill, junr., & Son	Taking up carpets, &c.	12	8	6
158—24 " ..	625	W. Harmer	Carpenters' work	10	19	9
159—24 " ..	626	Beckman	Winding clocks, &c.	5	0	0
160—7 June ..	730	W. Harmer	Carpenters' work	65	2	5
161—14 " ..	744	J. Partridge	Plumbers' work	0	18	2
162—21 " ..	747	A. Wadsworth	Bricklayers' work	27	6	5
163—14 " ..	762	W. Renny	Painters' and plasterers' work	127	10	4
164—14 " ..	765	J. Hill, junr., & Son	Repairing sofa	4	10	0
165—21 " ..	785	J. B. Holdsworth	Ironmongery	3	4	8
166—21 " ..	799	P. N. Russell & Co.	Altering oven, &c.	19	13	3
167—28 " ..	818	W. Renny	Paper-hangings, &c.	263	19	9
168—5 July ..	855	R. Pedrick	Sweeping chimneys	0	18	0
169—5 " ..	897	M. Dawson	Repairing clocks	1	11	0
170—12 " ..	930	S. Fuller	Blinds	1	4	0
171—19 " ..	943	W. Harmer	Carpenters' work	326	18	6
172—19 " ..	968	R. Pedrick	Repairing flue	2	12	0
173—19 " ..	969	G. Wacey	Vases	15	15	0
174—26 " ..	987	A. Wadsworth	Masons' and bricklayers' work	141	19	2
175—2 Aug. ..	1042	Eastway & Son	Wire work	1	11	3
176—16 " ..	1211	W. Renny	Painters' and plasterers' work	103	13	6
177—16 " ..	1114	J. Hill, junr., & Son	Furniture, &c.	8	0	0
178—30 " ..	1175	C. Lewis	Smiths' work	10	5	8
179—1 Sept. ..	1208	J. Partridge	Plumbers' work	24	8	0
180—6 " ..	1259	Constable & Turner	Repairing gas-fittings, &c.	62	0	6
181—13 " ..	1282	J. Holdsworth	Ironmongery	5	13	5
182—20 " ..	1311	A. Lenchan	Upholsterers' work	28	10	9
183—27 " ..	1326	Same	Carpet, &c.	28	10	2
184—4 Oct. ..	....	P. N. Russell & Co.	Stores, canvas, hose, &c.	47	16	9
185—11 " ..	....	R. Pedrick	Sweeping chimneys	1	16	0
186—25 " ..	1475	A. Lenchan	Window cornices, curtains, &c.	117	6	2
187—25 " ..	1483	T. J. Bown	Gas-fitters' work	4	7	0
188—1 Nov. ..	1537	Chisholm & Co.	Calico, &c.	1	19	6
189—1 " ..	1547	S. Long	Slaters' work	8	7	4
190—8 " ..	1583	W. Harmer	Carpenters' work	82	11	9
191—8 " ..	1585	W. Livingstone	Awning, &c.	26	8	2
192—29 " ..	1627	A. Wadsworth	Masons' and bricklayers' work	39	12	4
193—29 " ..	1633	W. Renny	Painters' work	42	4	8
194—29 " ..	1639	A. Lenchan	Hire of chairs, &c.	18	13	0
195—20 Dec. ..	1739	C. Lewis	Smiths' work	12	2	10
196—20 " ..	1746	W. Harmer	Carpenters' work	12	3	11
1863.						
197—24 Jan. ..	70	R. Pedrick	Sweeping chimneys	2	14	0
198—31 " ..	....	Wm. Harmer	Carpenters' work	55	0	8
199—28 " ..	224	A. Wadsworth	Masons' and bricklayers' work	13	1	5
200—28 Feb. ..	227	J. B. Holdsworth	Ironmongery	11	1	9
201—28 " ..	232	Wm. Harmer	Carpenters' work	23	4	5
202—7 Mar. ..	322	W. Renny	Painters' work	3	12	3
203—7 " ..	325	J. Cuthbert	Flagstaff and fitting	42	10	0
204—7 April ..	....	R. Pedrick	Sweeping chimneys	0	4	6
205—11 " ..	....	M. Dawson	Cleaning and repairing clocks	1	15	0
206—18 " ..	....	W. Hopkins	Excavating for basin	6	0	0
207—18 " ..	....	C. Lewis	Smiths' work	7	15	9
208—25 " ..	....	J. Partridge	Plumbers' work	1	10	10
209—23 May ..	....	W. Renny	Painters' work	4	4	8
210—2 " ..	....	W. Harmer	Carpenters' work	68	15	3
211—9 " ..	....	J. Keep	Ironmongery	4	8	2
212—23 " ..	....	J. Hill, junr., & Co.	Repairing furniture	5	13	0
213—6 June ..	....	M. Dawson	Repairing and cleaning clocks	1	19	0
			Total	£ 7,192	19	2

B. No. 2.

PAYMENTS—Stables, Government House, 1st January, 1860, to 15th June, 1863.

Date.	No. of Voucher.	Name.	Particulars.	Amount.
				£ s. d.
1860.				
21 January ..	106	E. C. Weekes	Hinges, bolts, &c.	3 1 6
21 " ..	109	Same	Grate	1 10 0
25 February ..	238	Beaumont & Chapman ..	Painting and glazing	1 3 0
25 " ..	225	John Morgan	Plasterers' work	10 18 4
23 " ..	188	W. H. Rolfe	Timber	19 18 5
3 March ..	266	J. Miller	Plumbers' work	5 18 0
28 April ..	511	Thos. Spence	Carpenters' work	13 4 3
28 " ..	580	J. Wilson	Plumbers' work	5 17 6
21 " ..	475	Thos. Martin	Repairing locks	0 15 6
19 May ..	592	Wm. Harmer	Repairing window-sashes ..	2 8 2
19 " ..	609	Donohoe & Vaughan ..	Building ashpits, &c.	45 0 6
26 " ..	617	.. ..	Wages to labourers	0 12 0
26 " ..	627	W. Porter	Sweeping chimneys	0 12 0
21 July ..	824	F. Callaghan	Repairing plastering	6 5 8
21 " ..	834	W. Harmer	Carpenters' work	6 0 5
28 " ..	858	Ashdown & Co.	Cooking-stove	4 10 0
28 " ..	871	Wm. Penny	Smiths' work	0 12 5
22 September ..	1067	Beaumont & Chapman ..	Glaziers' repairs	0 7 6
27 October ..	1195	Wm. Penny	Fixing stove-pipe, &c.	0 16 2
17 November ..	1316	J. O'Shaughnessy ..	Bricklayers' work	0 14 6
24 " ..	1353	W. Harmer	Carpenters' work	9 0 7
1861.				
25 January ..	81	F. R. Robinson	American stove	4 10 0
2 February ..	127	W. Porter	Sweeping chimneys	0 10 6
9 " ..	205	F. Callaghan	Plasterers' work	23 0 1
9 " ..	206	W. Renny	Painters' and glaziers' work ..	2 4 8
9 March ..	320	J. O'Shaughnessy ..	Repairing drains	12 0 3
23 " ..	362	W. Harmer	Carpenters' work	32 13 2
4 May ..	538	J. Goddard	Masons' work	9 6 6
11 " ..	558	W. Renny	Painters' and plasterers' work ..	65 2 3
18 " ..	596	W. Harmer	Carpenters' work	10 3 10
25 " ..	604	W. Penny	Smiths' work	3 14 4
6 July ..	725	W. Porter	Sweeping chimneys	0 6 0
10 August ..	905	J. Partridge	Plumbers' repairs	92 10 8
17 " ..	940	W. Renny	Painters' and glaziers' repairs ..	16 4 8
24 " ..	954	J. Goddard	Masons' and bricklayers' work ..	12 14 10
31 " ..	961	W. Harmer	Carpenters' work	1 4 1
26 October ..	1139	Chisholm & Co.	Matting, &c.	4 1 10
23 November ..	1311	J. Goddard	Bricklayers' work	15 15 9
23 " ..	1305	W. Renny	Painters' work	7 3 7
23 " ..	1303	W. Harmer	Carpenters' work	11 17 2
23 " ..	1293	W. Penny	Smiths' work	1 8 8
16 " ..	1221	F. R. Robinson	Cooking-stove, &c.	6 1 0
7 December ..	1356	J. Partridge	Plumbers' work	11 1 0
7 " ..	1358	W. Harmer	Carpenters' work	9 16 11
1862.				
15 February ..	224	Ashdown & Co.	Ironmongery	1 11 6
15 " ..	227	Same	Cooking-stove	5 10 0
15 " ..	233	W. Harmer	Carpenters' work	0 12 0
15 " ..	239	W. Penny	Smiths' work	8 16 7
22 " ..	265	W. Renny	Painters' and plasterers' work ..	55 18 8
22 " ..	275	J. Goddard	Bricklayers' and masons' repairs ..	25 12 1
12 April ..	431	R. Pedrick	Sweeping chimneys	0 18 0
12 " ..	450	S. Fuller	Blinds	2 8 0
14 June ..	744	J. Partridge	Plumbers' work	1 3 3
21 " ..	747	A. Wadsworth	Masons' and bricklayers' work ..	8 4 2
26 July ..	987	Same	Ditto ditto	86 0 2
30 August ..	1175	C. Lewis	Smiths' work	18 8 2
1 September ..	1208	J. Partridge	Plumbers' work	4 0 1
6 " ..	1255	W. Harmer	Carpenters' work	4 3 1
11 October ..	.. ..	R. Pedrick	Sweeping chimneys	1 0 0
8 November ..	1583	W. Harmer	Carpenters' work	34 4 8
29 " ..	1627	A. Wadsworth	Masons' work	2 2 0
29 " ..	1627	Same	Bricklayers' work	3 13 7
29 " ..	1633	W. Renny	Painters' work	18 9 3
13 December ..	1710	J. Partridge	Plumbers' work	0 13 4
1863.				
21 March ..	357	F. R. Robinson	Cooking-stove, &c.	5 13 6
7 April ..	.. ..	R. Pedrick	Sweeping chimneys	0 13 6
18 " ..	.. ..	W. G. Ainsworth ..	Chaff-cutter	11 0 0
23 May ..	.. ..	C. Lewis	Smiths' work	4 11 4
30 " ..	.. ..	Jas. Partridge	Plumbers' repairs	0 8 9
15 June ..	.. ..	Thos. J. Bown	Iron roofing	65 0 0
28 February ..	227	J. B. Holdsworth ..	Ironmongery	1 2 0
28 " ..	232	W. Harmer	Carpenters' work	1 1 8
7 March ..	322	W. Renny	Painters' work	7 16 0
Total				£ 873 18 6

APPENDIX.

11

(To Evidence given by Mr. J. M'Cracken, 15 July, 1863.)

C. No. 1.

ACCOUNT shewing the amount expended on Terrace Wall in front of Government House, viz.:—

1861.		£	s.	d.	
	<i>Day Work.</i>				
<i>Week ending—</i>					
18 May ..	Labourers, 21 days, digging foundation for terrace wall, at 9s. per day	9	9	0	
	Quarrymen, 2 days, at 12s. per day	1	4	0	
25 ..	Labourers, 21 days, at 9s. per day	9	9	0	
	Quarrymen, 5 days, at 12s. per day	3	0	0	
	Carts, carting stone, 10 days, at 14s. per day	7	0	0	
1 June ..	Labourers, 19 days, at 9s. per day	8	11	0	
	Quarrymen, 4 days, at 12s. per day	2	8	0	
	Carts, carting stone from Gaol, 15 days, at 14s. per day	10	10	0	
8 ..	Labourers, 12 days, at 9s. per day	5	8	0	
	Carts, 9 days, at 14s. per day	6	6	0	
	Stone, 14 cubic feet, for coping	1	1	0	
15 ..	Cart, carting stone, 1 day, at 14s. per day	0	14	0	
	<i>Measured Work.</i>				
	94 perches of mason work, ashler, backed in with rubble, at 21s. per perch	98	14	0	
	44 perches of rubble, labour and mortar, at 15s.	33	0	0	
	568 feet superficial coping, at 3s. 6d. per foot	99	8	0	
3 August ..	9 labourers, digging foundation, 9s. per day	4	1	0	
10 ..	5 do. do., 9s. "	2	5	0	
17 ..	3½ do. do., 9s. "	1	11	6	
	Stone, (cubic feet) 12 feet 3 inches, 1s. 6d. per foot	0	18	4½	
31 ..	Mason, forming drain through wall, 5 days, at 12s.	3	0	0	
	14 perches 2½ feet rubble masonry, labour and mortar, at 15s. per rod	10	11	4	
	23 perches 1½ feet ashler, backed in with rubble, at 21s. per perch	24	14	7	
	180 feet 10 inches coping, at 3s. 6d. per foot	27	2	6	
	Fixing 180 feet 10 inches coping, at	4	10	5	
	103 feet of rough flagging, at 10s.	4	6	6	
	48 feet cubic, step, garden, at 4s.	9	12	0	
	36 feet superficial circular work, at 1s. 8d.	3	0	0	
	7 feet flagging, at 10s.	0	5	10	
	2 perches rubble work, at 15s.	1	10	0	
		393	11	0½	
	Deduct 16 per cent.	62	19	4¼	
		330	11	8¼	
	281 feet of 1-inch iron pipe, with bends, ties, unicorns, elbows, and taps	15	16	6	
		£	346	8	2¼

C. No. 2.

ACCOUNT shewing the amount expended in constructing a Basin and Fountain in front of Government House.

1861.		£	s.	d.	
	<i>Day work.</i>				
<i>Week ending—</i>					
15 June ..	6 labourers, levelling bottom of basin, a 9s.	2	14	0	
	Quarrymen, 6 days, do., at 12s.	3	12	0	
22 ..	Mason, 1½ days, stopping joints in rock, at 12s.	0	18	0	
	Quarrymen, 6½ days, at 12s.	3	18	0	
	Labourers, 3½ days, at 9s.	1	11	6	
	Mortar, 10 feet cubic, at 1s. 4d.	0	13	4	
	Powder and fusee	0	7	6	
	4 bushels cement	1	0	0	
29 ..	1 mason, at 12s.	0	12	0	
	6 labourers, at 9s.	2	14	0	
27 July ..	3½ days, mason, cutting base fountain, at 12s.	2	2	0	
	1½ labourer, at 9s.	0	11	3	
	½ bricklayer, at 12s.	0	9	0	
3 August ..	1 day, mason cutting hole for pipe	0	12	0	
	12 feet 3 inches cube of stone, at 1s. 6d.	0	18	4½	
	6 days, bricklayer, plastering with cement, at 12s.	3	12	0	
	7 days, labourer, at 9s.	3	3	0	
10 ..	3 barrels cement, at 25s.	3	15	0	
	4½ bricklayer, at 12s.	2	14	0	
	5½ labourer, at 9s.	2	9	6	
17 ..	3½ do. do.	1	11	6	
	3½ bricklayer, at 12s.	2	2	0	
	6½ casks cement, at 25s.	8	2	6	
	1 load of sand	0	5	0	
24 ..	3 days of labourer, levelling ground, at 9s.	1	7	0	
	Carried forward	£	51	14	5½

C. No. 2.—continued.

	£	s.	d.
Brought forward	51	14	5½
<i>Measured work.</i>			
244 feet brickwork in cement, at £29 per rod	26	0	3½
244 feet of circular brickwork, at 3d.	3	1	0
113 feet coping, wrought, rubbed, at 3s.	16	19	0
113 feet do., fixed, at 6d.	2	16	6
50 feet of circular stone cutting, at 1s. 8d.	4	3	4
12 feet 6 inches cube of steps, at 4s.	2	10	0
	107	4	7
Deduct 16 per cent.	17	3	1½
	£	90	1 5½

C. No. 3.

Account shewing the amount expended in the erection of covered Verandah in front of Government House.

1861. Week ending—		£	s.	d.
24 August ..	51½ days of a mason, jointing flagging and ashler, at 12s. per day ..	30	18	0
	57¾ days, labourer, digging foundation and polishing flagging, at 9s. per day	25	19	9
	11 days of horse and cart, at 14s.	7	14	0
31	20½ " mason, at 12s.	12	6	0
	31 " labourer, at 9s.	13	19	0
	1 day of horse and cart, at 14s.	0	14	0
	15 feet cube of stone, at 1s. 6d.	1	2	6
21 Sept. ..	6 masons, cutting holes to fix awnings of verandah, at 12s.	3	12	0
28	13½ masons, cutting holes, at 12s.	7	19	0
	3 days, labourer, at 9s.	1	7	0
<i>Measured work.</i>				
	556 feet 6 inches flagging prepared for laying, at 2s. 2d.	60	5	9
	1,302 feet flagging laid in mortar, at 6d.	32	11	0
	12½ feet cube, steps, at 4s.	2	10	0
		200	18	0
	Deduct 16 per cent.	32	1	8
		£	178	16 4
<i>Awning.</i>				
	125 yards tent cloth, 30-inch, at 1s. 4d.	£8	6	8
	152½ do., 36-inch, at 1s. 7d.	12	1	5½
	Making sash line, &c.	6	7	6
		26	15	7½
<i>Painting.</i>				
	443 feet 6 inches running iron bar, at 5d.	£9	3	11½
	30½ feet rail, at 4d.	5	1	4
		14	5	3½
	Deduct 42½ per cent.	6	1	2½
		8	4	0½
	19½ cwt. of iron, at 14s. 6d.	14	6	4½
	Total amount	£	228	2 4½

C. No. 4.

STONE received from Darlinghurst Gaol, for work in front of Government House.

	£	s.	d.
943 feet of flagging, at 10d.	39	10	0
64 perches of ashler, at 20s.	64	0	0
18 perches of parapet, worked, at 25s.	22	10	0
	£	126	0 0

(To Evidence given by the Auditor General, 22 July, 1863.)

D.

A RETURN of all instances, during the last three years (from 26 June, 1860, to 26 June, 1863), in which payments have been made out of the Public Funds of the Colony without the authority of the Parliament, so far as can be readily ascertained from the books of this Office; and shewing also the Acts of Appropriation by which the items of expenditure, or any of them set forth in Return A, No. 1, have been covered.

SERVICE OR PURPOSE.	Amount.	Total.	Reference to the Appropriation Act, as published in Government Gazette.	Page of Act.	Reference to Items.
<i>On account of 1857 Services.</i>	£ s. d.	£ s. d.			
Furniture supplied to Government House in 1857, by Lenehan .. .. .	.....	896 18 5			
<i>On account of 1859 Services.</i>					
Principal Secretary—Salaries .. .. .	.....	65 0 1	24 Vic., No. 23	1105	1
Steam Postal Communication <i>via</i> Suez .. .. .	.....	2,220 9 8			
Boatmen .. .. .	.....	10 0 0			
Water Police and Shipping Masters—Salaries.. .. .	{ 64 17 8 *4 3 4 }	{ 69 1 0	24 Vic., No. 23	1105	3
Aborigines—Medical attendance .. .. .	.....	108 15 0			
<i>On account of 1860 Services.</i>					
Sydney Police—Judicial Contingencies .. .. .	.....	6 2 3	24 Vic., No. 23	.....	2
Gaol, Goulburn—Contingencies	{ 91 12 9 142 11 9 }	{ 234 4 6	" "		
Benevolent Society, Sydney .. .. .	.....	2,425 0 0	" "	1105	4
Hospital, Kiandra .. .. .	.....	200 0 0	" "		
Supreme and Circuit Court—Contingencies	{ 401 8 11 8 18 0 150 0 0 2 15 9 }	{ 563 2 8	" "	1105	5
Insolvent Court—Contingencies	{ 10 0 0 10 0 0 }	{ 20 0 0	" "	1105	6
Quarter Sessions—Contingencies	{ 54 11 3 1,062 6 8 36 2 3 }	{ 1,153 0 2	{ 24 Vic., No. 23 25 Vic., No. 18 }	1105, 163	7
Court of Claims—Compilation of Return .. .. .	.....	50 0 0	24 Vic., No. 23	1105	8
Printing and Bookbinding—Wages .. .. .	.....	779 2 4	" "	1105	9
Conveyance of Mails .. .. .	.....	123 0 11	" "	1105	10
Steam Navigation and Pilot Board .. .. .	.....	20 18 0	" "	1105	11
Harbour Masters—Salaries .. .. .	.....	58 6 8	" "	1105	12
Glebe Island Abattoirs—Salaries	{ 57 14 0 66 13 4 }	{ 124 7 4	" "	1107	13
Glebe Island Abattoirs—Contingencies	{ 9 2 8 13 6 8 }	{ 22 9 4	" "	1107	13
Survey of Lands—Contingencies .. .. .	.....	32 11 0			
Kiandra Gold Fields—Contingent Expenses.. .. .	.....	494 14 3	25 Vic., No. 18	163	14
Gold Fields—Salaries .. .. .	.....	98 17 9			
Roads and Bridges, Kiandra Gold Fields	{ 1,217 10 0 3,161 4 4 3,798 7 3 3,000 0 0 286 10 0 }	{ 11,177 1 7	24 Vic., No. 23	1106	15
Repairs, Liverpool Dam	{ 275 1 11 9 0 0 }	{ 570 11 11	" "	1106	16
Chimney at Sydney Mint	{ 33 9 3 10 5 4 }	{ 43 14 7	25 Vic., No. 18	163	17
Lunatic Asylum, Parramatta .. .. .	.....	69 12 0	26 Vic., No. 15	2687	18
Repairs to Gaol, Berrima	{ 3 5 3 69 12 6 4 1 6 9 2 0 16 2 6 }	{ 76 19 3	24 Vic., No. 23	1107	19
Dam, Tarban Creek .. .. .	.....	25 4 6	" "	1107	20
Light-house, Eden .. .. .	.....	50 15 0	26 Vic., No. 15	2687	21
Casual repairs to Public Buildings .. .. .	.....	476 1 6	" "	163	22
Alterations to Immigration Barracks .. .. .	.....	73 14 3	24 Vic., No. 23	1107	27
Alterations to the Abattoirs, Glebe Island	{ 452 0 4 422 16 5 }	{ 874 16 9	" "	{ 1107 1106 }	23
Alterations to Parliamentary Buildings	{ 2,229 7 2 290 16 0 4 16 6 }	{ 2,520 3 2	" "	{ 1106 1107 }	25
Lock-up, West Bargo	{ 150 0 0 150 0 0 }	{ 304 16 6	" "	1106	26
Police Buildings, Snowy River .. .. .	.....	140 2 0	24 Vic., No. 1	6	28
Compensation to Mrs. De Courcy .. .. .	.....	20 0 0	24 Vic., No. 23	1107	29
<i>On account of 1861 Services.</i>					
Gaol, Goulburn—Contingencies .. .. .	.....	82 1 11	26 Vic., No. 15	2685	30
Gaol, Berrima—Contingencies .. .. .	.....	250 11 6	" "	2685	30
Volunteers	{ 438 11 5 25 0 0 1,026 7 8 112 10 0 616 13 0 61 10 0 93 2 6 917 14 6 }	{ 3,291 9 1	25 Vic., No. 18	163	31
Expenses connected with the adequate representation of the Colony at the International Exhibition of 1862 .. .. .	.....	851 6 1	" "	163	32
Carried forward .. .. .	..... £	30,675 2 11			

* Unforeseen.

SERVICE OR PURPOSE.	Amount.	Total.	Reference to the Appropriation Act, as published in <i>Government Gazette.</i>	Page of Act.	Refer- ence to Items.
	£ s. d.	£ s. d.			
Brought forward .. .. .	.....	30,675 2 11			
<i>On account of 1861 Services--continued.</i>					
Further expense of taking the Census of 1861	2,258 9 7 425 11 0 75 0 0 194 5 10	2,953 6 5	{ 25 Vic., No. 18 26 " " 15	163 2685	33 33
First Military Expedition to Lambing Flat	1,411 8 9 500 9 7	1,911 18 4	{ 24 Vic., No. 13 25 " " 18 26 " " 15	1106 163 2685	34 34 34
Second Military Expedition to Lambing Flat	158 9 8 846 17 4 284 3 4 22 16 0 16 16 8 2,334 8 8 1,441 16 5 826 0 0 893 3 9 104 16 1 59 2 0 2 6 8 309 4 7 81 7 6 1 7 0 218 17 6 277 6 3 446 18 3	7,878 19 5	{ 25 Vic., No. 18 26 " " 15	163 2685	35 35
Quarter Sessions—Contingencies ..	1,296 8 7 672 0 1 151 0 10	2,415 6 11	{ 25 Vic., No. 18 26 " " 15	158 163 2685	36 36 36
Colonial Storekeeper—Salaries ..	151 0 10 151 0 10 14 11 8 139 17 3 171 15 3	467 14 2	25 Vic., No. 18	163	37
Colonial Storekeeper—Contingencies ..	66 14 10 1 15 0 9 10 6 0 15 0	390 7 10	25 Vic., No. 18	163	37
Printing and Bookbinding—Contingencies	3 7 11 45 0 9 3 8 4 3 13 0 1 2 11 1 18 8 6 19 4	206 2 8	25 Vic., No. 18	163	38
Postage .. .. .	.....	65 10 11			
Alpacas—Salaries .. .. .	.....	29 3 4	26 Vic., No. 15}	2686	39
Alpacas—Contingencies .. .. .	.....	24 6 4	" " }		
Gunpowder Magazine—Salaries ..	13 14 2 12 10 0 12 10 0 12 10 0 90 0 0	51 4 2	25 Vic., No. 18	163	40
Gunpowder Magazine—Contingencies	50 0 0 31 3 2 334 0 0	171 3 2	25 Vic., No. 18	163	40
Emigration from the United Kingdom	802 4 3 592 10 0 276 16 8	1,728 14 3	25 Vic., No. 18	163	41
Immigration Department—Salaries ..	64 11 8 16 13 4 29 8 4 10 11 3	387 10 0	24 Vic., No. 23	1101	42
Immigration Department—Contingencies	2 4 6 44 6 0	57 1 9	25 Vic., No. 18	163	43
Survey of Lands—Contingencies ..	4,923 16 10 155 16 7 50 0 0 20 0 0 365 4 3 79 10 0 385 6 0 633 8 4 220 8 4 6,548 10 0	5,079 13 5			
Expenses under the Cattle Disease Preven- tion Act	5,740 15 6 90 5 6 266 13 8 347 5 6 238 4 3 230 19 1 148 15 8 115 12 7 116 13 4 90 16 8 181 7 11	15,919 16 7			
Carried forward .. .. .	.....	70,413 2 7			

APPENDIX.

15

SERVICE OR PURPOSE.	Amount.	Total.	Reference to the Appropriation Act, as published in Government Gazette.	Page of Act.	Reference to Items.
	£ s. d.	£ s. d.			
Brought forward .. .. .	.....	70,413 2 7			
<i>On account of 1861 Services—continued.</i>					
Rations for Chinese during Riot at Burrangong	23 3 4 2,076 3 1	2,099 6 5	26 Vic., No. 15	2686	44
Repair of Road from Railway Station, Campbelltown, to Great South Road	60 11 0 471 11 4 375 19 9 91 17 11	1,000 0 0	25 Vic., No. 18	163	45
Steam Tug for the Dredge "Hunter" .. .. .	.....	2,000 0 0	25 Vic., No. 18	164	46
Employment of Prisoners, Parramatta Gaol .. .. .	.....	542 15 10	26 Vic., No. 15	2687	47
Preliminary Harbour Surveys	127 5 9 333 10 4 67 0 9 54 3 2	632 0 0	25 Vic., No. 18	164	48
Approaches to Queanbeyan Bridge .. .. .	.....	446 0 0	" "	163	49
Approaches to Marsden's Bridge	9 15 0 20 5 0 39 0 0 150 0 0 29 10 8 222 4 11	219 0 0	" "	163	50
Buildings at Lambing Flat .. .. .	.....	251 15 7	26 Vic., No. 15	2687	51
Military Buildings .. .. .	.....	427 8 11	" "	2687	52
Furniture for Public Offices .. .. .	.....	384 14 0	" "	2687	53
Casual Repairs to Public Buildings .. .. .	.....	5,783 10 7	" "	2687	54
Light-house, King's Island .. .. .	.....	196 0 11	" "	2687	55
Gunpowder for Fortifications .. .. .	.....	1,611 7 1	" "	2685	56
<i>On account of 1862 Services.</i>					
Police Services	9,507 19 9 5,664 4 11 3,976 7 8 260 12 7 553 0 2	19,962 5 1	26 Vic., No. 15		
Gaol, Sydney—Salaries .. .. .	.....	331 1 2			
Gaol, Goulburn—Salaries .. .. .	.....	79 0 5			
Gaol, Berrima—Salaries .. .. .	.....	39 13 0			
National Schools	1,500 0 0 2,860 3 0 96 1 4 543 15 8 120 18 1 64 18 8	5,000 0 0			
Hospital, Kiandra .. .. .	.....	185 16 9	26 Vic., No. 15		
Hospital, Deniliquin .. .. .	.....	200 0 0			
Hospital, Burrangong .. .. .	.....	200 0 0	" "		
Hospital and Benevolent Society, Adelong .. .. .	.....	121 13 0			
Paupers in Colonial Hospitals	26 10 0 1,477 12 2 29 18 0	1,534 0 2			
Further Expense of taking the Census of 1861 .. .. .	.....	200 0 0			
Reimbursement of the Benevolent Society, Sydney, for repairs to Buildings at Liverpool .. .. .	.....	1,601 3 7			
Preparation of Electoral Lists	349 10 9 52 13 6 71 7 9 12 2 6 33 1 0 5 2 6 20 7 4 36 17 3 1 4 9 2 3 0 96 4 6 211 6 6 172 6 0 338 16 4 80 10 0 418 14 2 214 14 2 309 15 3 379 6 3 238 0 0	584 10 4			
Maintenance of Troops at Lambing Flat .. .. .	.....	2,409 13 2	26 Vic., No. 15		
Refund of Fine to J. Cunningham .. .. .	.....	30 0 0			
Supreme and Circuit Courts—Salaries .. .. .	.....	73 6 8			
Supreme and Circuit Courts—Contingencies	205 8 0 250 0 0 42 6 0 2 0 0 25 5 6 1 5 0	526 4 6			
Carried forward .. .. .	.....	£ 119,085 9 9			

SERVICE OR PURPOSE.	Amount.	Total.	Reference to the Appropriation Act, as published in Government Gazette.	Page of Act.	Reference to Items.
	£ s. d.	£ s. d.			
Brought forward .. .. .	.....	119,085 9 9			
<i>On account of 1862 Services—continued.</i>					
Quarter Sessions—Contingencies ..	304 13 1 892 13 2 1,126 10 0 725 13 8 357 0 0 42 0 0	3,448 9 11			
Law Expenses, Berry v. Graham—Advance..	.....	1,222 9 3			
Law Expenses, Jenkins v. Collins ..	118 4 0 153 14 4	271 18 4			
Law Expenses, Robertson <i>ats.</i> Dumaresq ..	.....	152 13 0	26 Vic., No. 15	2685	57
Customs—Contingencies	173 3 9 281 8 7 2 12 6	457 4 10			
Printing and Bookbinding—Wages .. .. .	.....	435 13 7			
Money Order Office—Salaries .. .. .	.....	164 10 10			
Money Order Office—Contingencies .. .. .	.....	45 0 0			
Shipping Masters—Salaries .. .. .	.....	38 6 1			
Guns and Ammunition	72 3 3 1,883 18 11 1,656 3 5 81 10 11 289 1 9 11 12 8 22 16 10 21 16 6 3 4 2	3,642 5 7	26 Vic., No. 15	....	58*
Postage	112 17 0 104 4 0 10 17 0 10 0 0 4 1 10 15 7 4 5 12 11 21 5 6	714 8 5			
Public Telegrams	1,470 8 3 0 18 3 332 6 2	1,803 12 8			
Department of Lands—Salaries .. .. .	.....	130 16 2			
Commission on Land Sales, &c.. .. .	573 14 2 53 10 9 0 7 0 57 3 6 1,256 17 7 12 2 0 1,706 18 3 111 13 6 1,171 10 8 0 15 0	5,900 13 11			
Survey of Lands—Contingencies	829 3 6 0 9 6 1 2 6 125 6 0 182 7 5	3,364 13 10			
Gold Escort and Conveyance	3,176 16 5 5 10 0 3,149 16 3 30 12 2 341 3 2	3,521 11 7			
Toll-houses and Gates, Clyde Road .. .. .	.....	120 0 0	26 Vic., No. 15	2686	60
Improving the Navigation of the Murrumbidgee River .. .. .	.....	500 0 0	" "	2686	61
Bridge at Burrowa .. .. .	.....	125 6 8	" "	2686	62
Fencing Cemetery at Young	10 0 0 40 0 0 3 2 6	53 2 6	" "	2686	63
Formation of Phillip-street	187 0 0 93 10 0	280 10 0	" "	2686	64
Toll-houses and Gates, Glebe Island Bridge .. .. .	.....	115 10 0	" "	2686	65
Subordinate Roads—Vote of £24,000 .. .. .	.....	400 10 0	" "	2686	66
Fencing Road from Bathurst and Sydney Road, <i>via</i> the Limekilns, to the Turon	30 0 0 20 0 0	50 0 0	" "	2686	67
Bunnerong or Old Botany Road .. .. .	.....	1,717 2 10			
Additional Tolls and Ferries	118 16 3 97 17 1 699 17 0 492 4 6 2,572 6 1 84 0 0	3,981 0 11	" "	2687	68
Forming Charlotte-place	84 0 0 84 0 0	252 0 0			
Bridge at Bungonia .. .. .	.....	500 0 0	" "	2686	69
Road from Kempsey to Armidale .. .. .	.....	397 2 6	" "	2683	70
Carried forward .. .. .	.....	£ 152,892 3 2			

* £1,969 15s. 1d., but not yet voted.

APPENDIX.

17

SERVICE OR PURPOSE.	Amount.	Total.	Reference to th Appropriation Act, as published in Government Gazette.	Page of Act.	Refer- ence to Items.
Brought forward	£ s. d.	£ s. d. 152,892 3 2			
<i>On account of 1862 Services—continued.</i>					
Approaches to Jetty, Bateman's Bay	20 11 7 104 18 0 32 3 4	157 12 11	26 Vic., No. 15	2686	71
Colonial Architect—Salaries	61 2 1				
Colonial Architect—Contingencies	48 11 9 123 13 5	109 13 10			
Dunstan's defalcations	350 0 0 6 4 0				
Repairs, Main Western Road .. .. .	.....	473 12 8	" "	2687	72
Benevolent Asylum, Parramatta	85 5 1 275 1 11	360 7 0			
Benevolent Asylum, Liverpool.. .. .	7 10 2 4 7 9				
Parliamentary Stand in Domain .. .. .	.....	238 4 2	" "	2687	73
Approaches to Bridge, Wagga Wagga.. .. .	.....	1,500 0 0	" "	2687	74
Light-house, Port Stephens .. .. .	.....	1,630 15 11	" "	2687	75
Inspector's Office, Brisbane Distillery.. .. .	.....	100 0 0	" "	2687	75
Additions to Insolvent Court	150 0 0 152 3 2 28 13 1	331 1 3			
Alpacas—Contingencies.. .. .	52 17 6 2 12 0 90 0 0				
Repair of Reservoir, Campbelltown .. .. .	.....	100 0 0			
<i>On account of 1863 Services.</i>					
Principal Secretary's Department—Gratuity to Castle Mitchell .. .. .	.....	260 8 4			
Australian Museum, additions to .. .. .	.....	98 3 1			
Land Titles Branch—Salaries	337 10 0 337 10 0 337 10 0 337 10 0 337 10 0	1,637 10 0			
Hospital, Forbes .. .. .	.....			
Hospital, Burrangong .. .. .	.....			
Preparation of Electoral Lists .. .. .	.....			
Seed wheat and oats supplied to settlers in New South Wales	7 4 0 4,050 0 0 2,952 17 6				
Stores procured from the Imperial Government	.....			
Stores generally	31 15 8 1,645 11 0	1,677 6 8			
Salary of Superintendent of Lights, Harbours, &c.	54 3 4 54 3 4 54 3 4 44 3 4				
Money Order Office—Salaries	116 13 4 116 13 4 116 13 4	466 13 4			
Money Order Office—Contingencies .. .. .	.....			
Clerk to Emigration Officer .. .. .	.....			
Salaries of Examiner and Inspectors of Coal Fields	56 4 10 60 9 8 108 6 8	225 1 2			
Unforeseen expenses at the Gold Fields	25 0 0 18 0 0				
Fencing Cemetery, Wagga Wagga .. .. .	.....	94 16 6			
Compensation for land resumed for Onions Point Road .. .. .	.....	125 0 0			
Local Court, Burrangong	42 10 0 17 0 0	59 10 0			
Furniture and Fittings for the new Wing of the Randwick Destitute Children's Asylum .. .. .	.....			
Lunatic Asylum, Tarban Creek	1,041 13 4 131 3 0 574 17 6	1,747 13 10			
Additions to Registry Office	500 0 0 19 6 0				
Parliamentary Buildings.. .. .	.....	1,748 15 0			
Parliamentary Stand in Domain .. .. .	.....	157 10 4			
Harbour Defences	599 11 7 158 10 0	758 1 7			
				
	£	177,877 9 5			

Audit Office, Sydney,
7 July, 1863.

W. C. MAYNE,
Auditor General.

D—continued.

EXTRACTS, in pages, from the Appropriation Acts, as published in the Government Gazette, referred to in the foregoing Return.

[Page 1100.]

(Amount brought over £22,662 15 3)

The Chief Secretary :—continued.

Brought over £ 346,342 16 11

Grants in aid of Public Institutions—continued:—

Brought over	£ 1,100 0 0	
In aid of the School of Arts at St. Leonard's, on condition of an equal amount being raised by Private Subscription	200 0 0	
In aid of the Goulburn School of Arts, on condition of an equal amount being raised by Private Subscription, until a Building be erected	100 0 0	
In aid of the Bathurst School of Arts, on same condition, until a Building be erected	100 0 0	
In aid of the Albury School of Arts, on same condition, until a Building be erected	100 0 0	
In aid of the Waverley School of Arts, on same condition, until a Building be erected	100 0 0	
In aid of the erection of the Armidale Mechanics' Institute, on same condition	300 0 0	
In aid of the erection of the Mechanics' Institute at Wagga Wagga, on same condition	450 0 0	
In aid of the Literary Institute, Braidwood, on same condition	100 0 0	
In aid of the erection of the Newtown School of Arts, on condition of an equal amount being raised by Private Subscription, further sum	200 0 0	
In aid of the erection of the Mudgee Mechanics' Institute, on same condition	1,000 0 0	
In aid of the erection of the Campbelltown School of Arts, on same condition	250 0 0	
		4,000 0 0

Miscellaneous :—

Municipal Council, Sydney, in aid of City Funds	10,000 0 0	
Expenses attending the preparation of the Electoral Lists	4,800 0 0	
Erecting Pounds, and allowance to Poundkeepers To meet the expense of taking the Census	100 0 0	
To make provision for the adequate representation of the Colony at the Exhibition of the Industry of all Nations, to be held in London during the ensuing year	10,000 0 0	
To compensate Richard Brett and Richard Heather for losses sustained by them under the circumstances stated in their Petition to the Assembly, dated 2nd February, 1860. (Resolution of Assembly)	3,000 0 0	
For the purchase of specimens of Gold for transmission to the Exhibition of All Nations, to be held in London in 1862	100 0 0	
To cover the expense of the Military Expedition to Lambing Flat Gold Fields	5,000 0 0	
For the purchase of copies of the New Edition of the Australian Magistrate	8,000 0 0	..... 34
	292 0 0	
		41,292 0 0
		391,634 16 11

4. Administration of Justice :—Any sum or sums of money not exceeding Fifty-four thousand and thirty-nine pounds seven shillings and nine-pence to defray the Salaries and Contingencies of the Establishments following:—

Law Officers	4,627 0 0
Supreme and Circuit Courts	8,487 0 0
Sheriff	6,657 0 0
Insolvent Court	665 0 0
District Courts	21,025 7 9
Quarter Sessions	8,464 0 0
Coroners	3,824 0 0
Court of Claims	290 0 0
	54,039 7 9

(Amount carried over £468,336 19 11)

[Page 1101.]

(Amount brought over £468,336 19 11)

5. Treasurer and Secretary for Finance and Trade :—Any sum or sums of money not exceeding two hundred and forty-four thousand one hundred pounds nineteen shillings and eight-pence to defray the Salaries Contingencies and other Expenses of the Establishments and Services following:—

Treasury	6,145 0 0
Customs	22,830 0 0
Colonial Distilleries	2,190 0 0
Mint	14,004 13 0
Gold Receivers	300 0 0
Post Office	26,045 6 8
Conveyance of Mails	78,400 0 0

Stores

D—continued.

Stores and Stationery	40,870	0	0
Printing, Postage Stamps, and Bookbinding	18,500	0	0
Gunpowder Magazine	436	0	0
Health Officer	580	0	0
Quarantine	718	0	0
Shipping Masters	1,149	0	0
Harbors, Light Houses, and Pilot Department:—			
Steam Navigation and Pilot Board and Harbor			
Masters	2,752	0	0
Light Houses	4,681	0	0
Sea and River Pilots	7,909	0	0
Boatmen	6,076	0	0
Contingencies	1,262	0	0
		22,680	0
Miscellaneous:—			
Postage of the various Public Departments	3,223	0	0
For the transmission of Telegraphic Messages	1,500	0	0
Provisions to be left on Booby Island for the relief of shipwrecked persons	30	0	0
For erecting an Experimental Quartz Crushing Machine at the Royal Mint	1,000	0	0
To meet Unforeseen Expenses, to be hereafter accounted for	2,000	0	0
To meet the Expenses of carrying on the Coast Survey, northward of Port Stephens	1,500	0	0
		9,253	0
			244,100 19 8

6. **Secretary for Lands:—**Any sum or sums of money not exceeding one hundred and seventy thousand one hundred and seventy-four pounds and ten shillings to defray the Salaries Contingencies and other Expenses of the Establishments and Services following:—

Department of Lands	4,650	0	0
Survey of Lands	62,341	0	0
Occupation of Lands	9,065	0	0
Immigration	387	10	0
Gold Fields	14,250	0	0
Gold Contingent	1,500	0	0
Management of Alpacas	1,060	0	0
Coal Fields	655	0	0
Botanic Gardens, Sydney	2,883	0	0
Government Domains and Hyde Park	1,423	0	0
Internal Communication:—			
Superintendent of Roads at and leading to Kiandra			
Gold Fields	300	0	0
Overseer of ditto	200	0	0
Travelling Allowance to those Officers	155	0	0
Roads other than Main Roads:—			
For the construction and maintenance of Subordinate Roads, as classified per Schedule	45,000	0	0
For Minor Bridges, and Roads not classified	5,000	0	0
For the completion of Long Bay Road	2,500	0	0
For the repair of the Road from Abercrombie Range to Abercrombie River	500	0	0
Carried over	£ 53,655	0	0
Carried over	£ 98,214	10	0
(Amount carried over			£ 712,437 19 7)

[Page 1105.]

FOR THE SERVICE OF THE YEAR 1860.

9. **Supplementary:—**Any sum or sums of money not exceeding Seventy-eight thousand one hundred and ninety pounds and six-pence to defray the Supplementary Charges for the year 1860 of the Salaries Contingencies and other Expenses of the Establishments and Services following:—

Schedul B (<i>Pensions</i>)	32	15	1
Legislative Assembly	338	0	0
Legislative Council and Assembly	114	18	3
Chief Secretary	65	0	1
Protestant Orphan School	50	0	0
Central Police Office	11	10	0
Water Police and Shipping Masters	64	17	8
Inspector General and Metropolitan Police	67	12	9
Police, Country Districts—Judicial	45	0	0
Police, Country Districts—Executive	3,082	9	0
Native Police	50	7	6
Police, General Service	930	0	0
(Goulburn	335	0	0
Albury	15	0	0
Parramatta	39	13	0
Maitland	66	11	9
Tamworth	4	2	6
Penal Establishment, Cockatoo Island	1,860	15	0
Lunatic Asylum, Tarban	846	16	11
Lunatic Asylum, Parramatta	589	11	11
Military	580	7	2
Aborigines	100	0	0

Charitable

D—continued.

Charitable Allowances:—

In aid of the Penrith District Hospital and Benevolent Society, on condition of an equal amount being raised by private subscription	200	0	0		
In aid of the Singleton and Patrick's Plains Benevolent Society, for 1857, an equal amount having been raised by private subscription	40	13	6		
In aid of the Benevolent Society, Sydney, further sum	2,425	0	0	.....	4
For support of Paupers in Colonial Hospitals, further sum	1,026	19	8		
For the erection of an Hospital at Kiandra	200	0	0		
Further in aid of the Hospital at Braidwood, an equal amount having been raised by private subscription	150	0	0		
				<u>4,012</u>	<u>13 2</u>
Law Officers of the Crown		463	1 4		
Insolvent Court		20	0 0	.....	6
Supreme and Circuit Courts		700	0 0	.....	5
District Courts		400	0 0		
Quarter Sessions		1,100	0 0	.....	7
Coroners		800	0 0		
Court of Claims		50	0 0	.....	8
Treasury		13	0 0		
Customs		1,768	5 4		
Sydney Branch of Royal Mint		1,395	0 0		
Printing, Postage Stamps, and Book-binding		2,015	5 5	.....	9
Post Office		800	0 0		
Conveyance of Mails		1,200	0 0	.....	10
Shipping Masters		7	10 0		
Steam Navigation and Pilot Board		200	0 0	.....	11
Harbor Masters		104	3 4	.....	12
Boatmen		454	0 0		
Miscellaneous:—					
For hire of Schooner "Coral Queen" as a Light Ship and for towing	153	10	0		
For the relief of Sufferers by the recent Floods at Windsor	479	7	9		
				<u>632</u>	<u>17 9</u>
Occupation of Lands				<u>44</u>	<u>2 0</u>
(Amount carried over)				<u>£ 25,450</u>	<u>6 11)</u>

[Page 1106.]

(Amount brought over £ 25,450 6 11)

Supplementary:—continued.

Miscellaneous:—					
For purchasing of Building at Sofala, for Sub-Commissioner's Quarters	150	0	0		
For purchase of Building at Louisa Creek, for Assistant Commissioner	50	0	0		
For completion of Bridge, Clark's Crossing Place, Paterson	500	0	0		
Purchase of Building for a Court House, Araluen Gold Fields	60	0	0		
Interest on Moneys deposited in the Treasury under the 18th Section of the Savings' Bank Act of 1853, 17th Vic., 24, from 1 September, 1859, to 31 December, 1860	1,635	12	1		
For the relief of Sufferers by the recent Floods at Windsor, further sum	872	9	4		
				<u>3,318</u>	<u>1 5</u>
Roads other than Main Roads:—					
<i>Flood Repairs.</i>					
For the repair of the damages done to Roads and Bridges by the recent Floods, further sum	4,260	0	0		
<i>Roads, Bridges, &c., Kiandra Gold Fields.</i>					
Salary of Road Superintendent, at £300 a year, from 16th July to 31st December	137	10	0		
Travelling Allowance for same period, at the rate of £100 per annum	45	16	8		
Salary of Road Overseer, from 1st August, to 31st December, at £200 per annum	83	6	8		
Travelling Allowance at 3s. per diem from same date	22	19	0		
For Road from Cooma to Chalker's	350	0	0		
For Road from Yass to Kiandra, <i>via</i> Micalong and Weejasper	400	0	0		
For Road from Tumut to Kiandra, <i>via</i> Talbingo	1,200	0	0		
For addition to Bridge on main Road from Cooma	210	0	0		
For additional work (cutting approach) to Bridge on Road between Russell's and Cooma	50	0	0		
For Road between Eden and Cathcart	500	0	0		
For Road from Kiandra to Chalker's	10,000	0	0		
				<u>17,259</u>	<u>12 4</u>
Internal Communication:—					
Railway Branch		176	0 0		
Electric Telegraph Branch		300	0 0		
Road Branch:—					
For the repair of the Great Southern Road, between Hanging Rock and Gunning, in anticipation of Estimates for 1861	7,500	0	0		
For the erection of Bridges over Duck River and other Creeks, and to repair Bridges damaged by the Floods	1,600	0	0		
Balance of Rent of Tolls at Albury Ferry, to be expended on the Road	910	0	0		
Rent of Tolls, Emu Ferry	388	0	0		
Special grants to minor Bridges and Roads, not classified	1,000	0	0		
				<u>11,398</u>	<u>0 0</u>
Miscellaneous:—					

D—continued.

Miscellaneous :—

Compensation to Mr. William Sutherland for loss sustained by him, in consequence of Deeds of Grant for certain Land at Minto being twice issued	127	4	0	
Allowance to C. F. Gorton, formerly a Clerk in the Survey Office	61	5	0	
Allowance to Gold Commissioner Buchanan, for Quarters erected at his private expense	220	0	0	
Balance of Pension to Mr. John Thompson, late Deputy Surveyor General	22	4	4	
				430 13 4
Department of Harbors and River Navigation	4,250	0	0	.....16
Works and Buildings :—				
For the completion of the Court House at Tenterfield	150	0	0	
For the erection of a Lock-up at West Bargo	600	0	0	.....26
Alterations and Additions to the Parliamentary Buildings	2,000	0	0	.....25
To meet expenses incurred on the completion of the Abattoirs, Glebe Island	1,200	0	0	.....23
Carried over	£3,950	0	0	
(Amount carried over	£	62,582	14	0)

[Page 1107.]

(Amount brought over £62,582 14 0)

Supplementary :—continued.

Brought over	£3,950	0	0	
Alterations to Immigration Barracks, to fit them for Offices for Public Works Department, District Court, and Volunteer Corps	1,500	0	0	.....27
For repairs to the Gaol at Berrima	742	0	0	.....19
Additions to Court House at Morpeth	600	0	0	
Repairs to Dam, Tarban Creek	200	0	0	.....20
Additions and Alterations, Government Printing Office	680	0	0	
In aid of the erection of the Light-house on Wilson's Promontory, further sum	902	4	7	
Contribution in aid of the erection of the Light-house at King's Island	2,000	0	0	
For placing Moorings in the Harbor of Bellambi, further sum	8	0	0	
For lighting the Government lamps in the streets of Sydney, further sum	26	13	4	
For the erection of two Pillars and Lamps on Circular Quay	16	0	0	
For the erection of a Steam Crane at Newcastle, further sum	300	0	0	
For the erection of a Post Office, Kiandra	750	0	0	
For the purchase of a Triple-action Engine-pump, for raising Water at the Victoria Barracks, &c.	150	0	0	
For the erection of Light-house and Pilot Station, Twofold Bay	750	0	0	
Lantern and Apparatus	250	0	0	
Fencing Cemetery at Parramatta, further sum	150	0	0	
For the erection of a Post Office in connection with the Electric Telegraph Office, West Maitland, further sum	50	0	0	
For the erection of a Court House at Albury, further sum	8	1	4	
Do. Gundagai, do.	11	18	0	
For the erection of a Watch House at Nelligen, do.	8	11	0	
Do. Cowra, do.	4	18	3	
Do. Tenterfield, do.	50	0	0	
Do. Howlong, do.	60	0	0	
Additions to Abattoirs, Glebe Island	800	0	0	.....23
Additions and repairs to Military Buildings	610	0	0	
Additions and repairs to Legislative Buildings	521	0	0	.....25
				15,099 6 6
Miscellaneous Items :—				
To meet excess in Expenditure on Contingent Vote for the Colonial Architect's Department, 1859, and for additional Travelling Expenses	134	0	0	
Expenses of advertising and forwarding Plans, inviting Designs for New Houses of Parliament and Public Offices, a further sum of	200	0	0	
Salaries and Contingencies, Public Abattoirs	154	0	0	.....13
Additional to cover Funeral Expenses and small bills of the late Mrs. De Courcy	20	0	0	.....29
				508 0 0

(TOTAL AMOUNT APPROPRIATED FOR THE SUPPLEMENTARY SERVICE OF THE YEAR 1860 £78,190 0 6)

(TOTAL AMOUNT APPROPRIATED FOR THE SERVICE OF THE YEAR 1861 £1,196,855 15 5)

(GROSS TOTAL £1,275,045 15 11)

10. The Treasurer of the said Colony shall issue and pay the said several sums to such persons for the purposes hereinbefore mentioned upon such days and in such proportions as the Governor by any warrant or order in writing under his hand and directed to the said Treasurer shall from time to time order and direct and the payments so to be made shall be charged upon and payable out of the Consolidated Revenue Fund of the said Colony.

11. The said Treasurer shall in his Accounts from time to time be allowed credit for any sum or sums of money paid by him in pursuance of such warrant or order in writing as aforesaid and the receipt or receipts of the respective persons to whom the same shall be so paid shall be a full and valid discharge to the said Treasurer in passing his said Accounts for any such sum or sums as shall be therein mentioned and he shall receive credit for the same accordingly.

D—continued.

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(Amount brought over £21,562 18 9)

The Chief Secretary:—continued.

Brought over £378,327 3 0

Grants in aid of Public Institutions—continued.

Brought over	£2,400 0 0	
In aid of the Bathurst School of Arts, on same condition, until a Building be erected	100 0 0	
In aid of the Albury School of Arts, on same condition, until a Building be erected	100 0 0	
In aid of the Waverley School of Arts, on same condition, until a Building be erected	100 0 0	
In aid of the Yass Mechanics' Institute, on same condition, being £100 for 1860, and £100 for 1861	200 0 0	
In aid of the erection of the Yass Mechanics' Institute, on condition of an equal amount being raised by private subscription	1,000 0 0	
In aid of the erection of the Tamworth Mechanics' Institute, on same condition	300 0 0	
In aid of the erection of the Morpeth School of Arts, on same condition	500 0 0	
For the completion of the Wollongong School of Arts, on same condition	200 0 0	
In aid of the erection of a new Hall for the Belambi and Bulli School of Arts, on same condition	100 0 0	
In aid of the Acclimatisation Society of New South Wales	1,000 0 0	
		6,000 0 0

Miscellaneous Services:—

Municipal Council, Sydney, in aid of City Funds	10,000 0 0	
Expenses attending the preparation of the Electoral Lists	4,800 0 0	
Erecting Pounds and Allowance to Poundkeepers	100 0 0	
Gratuity to the Widow of the late Captain Allman, in consideration of the services of her Husband, and in liquidation of an unsatisfied claim on the Government	500 0 0	
To provide for a Queen's Plate to be run for annually on Randwick Race Course, under the auspices of the Australian Jockey Club, (Resolution of Assembly)	200 0 0	
Annuity to the Rev. W. B. Clarke, for his services with reference to the Mineralogy and Geology of the Colony	200 0 0	
Remuneration to the Captain and Crew of the schooner "Rebecca," recently arrived from Treasury Island, where she had been despatched for the purpose of rescuing Seamen reported to be on that island, from crews of ships destroyed by the Natives	200 0 0	
Gratuity to Mr. James Boyle, for his services as Superintendent of Boats at Sydney; as Signal Master, Newcastle; and in command of Government Vessels	200 0 0	
		16,200 0 0
		400,527 3 0

4. Administration of Justice:—Any sum or sums of money not exceeding Fifty-five thousand two hundred and eighty pounds one shilling and seven-pence to defray the Salaries and Contingencies of the Establishments following:—

Law Officers.. ..	4,627 0 0	
Supreme and Circuit Courts	8,937 0 0	
Sheriff { 1861—£35 1s. 7d. }	6,692 1 7	
.. .. { 1862—£6,657 0s. 0d. }		
Insolvent Court	1,455 0 0	
District Courts	20,251 0 0	
Quarter Sessions { 1861—£2,000. }	10,014 0 0	..... 86
.. .. { 1862—£8,014. }		
Coroners	3,204 0 0	
Court of Claims	100 0 0	
		55,280 1 7

(Amount carried over £477,370 3 4)

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(Amount brought over £6,391 16 6)

Supplementary:—continued.

Lunatic Asylum, Tarban	19 0 0	
Volunteers	3,859 1 4	..... 31
Miscellaneous:—		
To meet the expense of taking the Census, further sum	3,000 0 0	..... 33
To cover the expense of the First Military Expedition to Lambing Flat Gold Fields, further sum	1,500 0 0	..... 34
Do. Second do.	7,500 0 0	..... 35
To make provision for the adequate representation of the Colony at the Exhibition of the Industry of all Nations, to be held in London during the ensuing year, further sum	4,000 0 0	..... 32
For the purpose of promoting the growth of Flax in this Colony (Resolution of Assembly)	200 0 0	.....
		16,200 0 0

Law

D—continued.

Law Officers of the Crown	923 15 0	
Insolvent Court	75 0 0	
Quarter Sessions	100 2 10	..7, 36
Coroners	92 10 8	
Customs	569 12 0	
Sydney Branch, Royal Mint	1,234 16 7	
Gold Receivers	22 13 10	
Post Office	262 10 0	
Colonial Storekeeper	858 2 0	.....37
Stores and Stationery	3,618 19 0	
Printing, Postage Stamps, and Bookbinding	450 0 0	.....38
Gunpowder Magazine	224 10 10	.....40
Steam Navigation and Pilot Board	261 7 4	
Miscellaneous :—		
To meet expenses incurred in connection with the recent Floods in the Hunter		
River District	141 1 7	
Gold Fields	85 16 8	
Immigration	15,734 6 8	..41, 48
Botanic Gardens	108 15 3	
Government Domains and Hyde Park	210 0 0	
Road Branch :—		
Repair of Road from Grafton to Casino, in addition to the amount provided in the Road Schedule for 1861	300 0 0	
For Minor Bridges and Roads not classified, further sum	1,500 0 0	
Permanent repair of Approaches to Bridge at Queanbeyan	446 0 0	.....49
Formation of Hamilton-street, Sydney, and erection of retaining Wall	150 0 0	
Approaches to Marsden's Bridge, Wollondilly River	500 0 0	.....50
Construction of Bridge, Cockburn River, near Tamworth	300 0 0	
Repair of Road from Nowra to Bateman's Bay, being the amount expended by the Shoalhaven Municipal Council on that Road	70 0 0	
Repair of Branch Road from Railway Station at Campbelltown to Great South Road	1,000 0 0	.....45
Road from Moruya to Bodalla	350 0 0	
	4,616 0 0	
Kiandra Gold Fields	494 14 3	.....14
Aborigines	54 10 2	
Miscellaneous :—		
For fencing Cemetery at Adelong	80 0 0	
For fencing Cemetery at Sofala	80 0 0	
	160 0 0	
Public Works and Buildings :—		
Towards erecting King's Island Light-house, further sum	2,500 0 0	
Chimney at Royal Mint, further sum	43 14 7	.....17
Hornby Light-house, further sum	1 16 0	
Watch House, Bowenfels, further sum	4 1 0	
Pilots' Residence, Watson's Bay, further sum	3 11 6	
Police Magistrate's Residence at Port Macquarie, further sum	11 15 0	
Court and Watch House at Wellington, further sum	2 19 9	
Do. do. Queanbeyan, further sum	102 0 0	
Pilots' Residence, Newcastle, further sum	223 0 0	
Alterations and Additions to Public Buildings generally, further sum	2,000 0 0	.....22
Repairs, Alterations, and Additions, to Victoria Barracks, Volunteer Armories, and Military Buildings, Sydney and in the Country, further sum	2,000 0 0	
Fitting up Government Stores, further sum	1,000 0 0	
Carried over	£7,892 17 10	
(Amount carried over	£56,769 2 6)	

[Page 164.]

(Amount brought over £56,769 2 6)

Supplementary :—continued.

Brought over	£7,892 17 10	
Furniture for Public Buildings generally, further sum	1,000 0 0	
Covering Tank Stream and building retaining Wall, further sum	750 0 0	
Travelling Expenses for Officers of Department, further sum	115 3 8	
Alterations and Additions to Abattoirs, Glebe Island	500 0 0	
Alterations and Additions to Parliamentary Buildings	1,800 0 0	
Police Buildings, Lambing Flat	750 0 0	
Mounted Patrol Barracks at Goulburn, a further sum of	20 0 0	
Additional Cells (6) Maitland Gaol	800 0 0	
Erection of Guard Room and Cells at Stoney Creek, and sinking Well at Lambing Flat	164 0 0	
Additional accommodation, District Court, Sydney	200 0 0	
	£13,992 1 6	
Roads :—		
For the erection of Toll Houses on the Great Northern, Southern, and Western Roads	1,250 0 0	
Construction of a Bridge at Bendemeer, further sum	2,000 0 0	
Construction of a Bridge at Duck River	500 0 0	
Construction of a Bridge at Jugiong, further sum	1 11 6	
	3,751 11 6	
Ferries	250 0 0	
Harbours and Rivers—		
Working Steam Cranes at Newcastle, Salaries	30 0 0	
Do. Contingencies	10 0 0	
Wages to Pump Engine Driver, Glebe Island Abattoirs	45 18 0	
Construction of a Wharf at Windsor (Resolution of Assembly)	500 0 0	

Erection

D—continued.

Erection of Steam Crane, further sum of	300	0	0	
For the purchase of a Steam Tug for the Dredge "Hunter" ..	2,000	0	0	.....46
Preliminary Harbour Surveys, further sum of	632	0	0	.....48
To purchase a Diving Dress, further sum of	50	0	0	
Toll House, Glebe Island Bridge	200	0	0	
			3,767	18 0
Electric Telegraph Branch			104	0 0
(TOTAL AMOUNT APPROPRIATED FOR THE SUPPLEMENTARY SERVICE OF THE YEAR 1861 ..			78,634	13 6)
(TOTAL AMOUNT APPROPRIATED FOR THE SERVICE OF THE YEAR 1862			£1,226,155	8 10)
(GROSS TOTAL			£1,304,790	2 4)

10. The Treasurer of the said Colony shall issue and pay the said several sums to such persons for the purposes hereinbefore mentioned upon such days and in such proportions as the Governor by any warrant or order in writing under his hand and directed to the said Treasurer shall from time to time order and direct and the payments so to be made shall be charged upon and payable out of the Consolidated Revenue Fund of the said Colony.

11. The said Treasurer shall in his Accounts from time to time be allowed credit for any sum or sums of money paid by him in pursuance of such warrant or order in writing as aforesaid and the receipt or receipts of the respective persons to whom the same shall be so paid shall be a full and valid discharge to the said Treasurer in passing his said Accounts for any such sum or sums as shall be therein mentioned and he shall receive credit for the same accordingly.

[Page 2683.]

(Amount brought over £511,447 13 4)

TREASURER AND SECRETARY FOR FINANCE AND TRADE—continued.

Brought over	£243,541	0	0	
Miscellaneous Services:—				
Postage of the various Public Departments ..	3,500	0	0	
For the transmission of Telegraphic Messages ..	3,000	0	0	
To provide for a Queen's Plate to be run for annually on Randwick Race Course under the auspices of the Australian Jockey Club (Resolution of Assembly)	200	0	0	
Provisions to be left on Booby Island for the relief of Shipwrecked Persons	30	0	0	
To meet unforeseen Expenses to be hereafter accounted for	2,000	0	0	
To meet the expense of carrying on the Coast Surveys	1,500	0	0	
			10,230	0 0
			253,771	0 0

6. SECRETARY FOR LANDS:—Any sum or sums of money not exceeding two hundred and eighty-seven thousand eight hundred and sixty-six pounds to defray the Salaries Contingencies and other expenses of the Establishments and Services following:—

Department of Lands	£5,400	0	0	
Survey of Lands	55,565	0	0	
Sale of Land	12,000	0	0	
Occupation of Lands	11,794	0	0	
Immigration	80,000	0	0	
Immigration Department	2,656	0	0	
Gold Fields	19,270	0	0	
Management of Alpacas	1,630	0	0	
Coal Fields	855	0	0	
Botanic Gardens Sydney	3,103	0	0	
Government Domains and Hyde Park	2,908	0	0	
Roads other than Main Roads:—				
Salaries and Allowances	£4,775	0	0	
Construction and Maintenance:—				
For the construction and Maintenance of Subordinate Roads as classified per Schedule ..	70,000	0	0	
For Minor Bridges and Roads not classified ..	7,500	0	0	
Formation of Streets passing through Crown Lands in the City of Sydney	1,000	0	0	
Erection of Bridge over Cox's River at Glenroy ..	900	0	0	
For continuation of Old Botany Road to La Perouse's Monument	1,750	0	0	
For Fencing portion of the Road from Wollongong to Kiama passing through the property of Mr. R. J. Perrott	160	0	0	
For construction of Punt at Clarence Town ..	400	0	0	
For Construction of a Punt on the River Darling at Fort Bourke	1,000	0	0	
For opening the Road from Kempsey to New England	500	0	0	.....70
For the erection of a Bridge over Eugoura Creek ..	800	0	0	
			88,785	0 0
Aborigines			500	0 0
Miscellaneous:—				
For Grassing Sand Hills near Sydney	300	0	0	
For facilitating the Navigation of the River Darling including Survey of that River ..	3,000	0	0	
For Construction of Tanks in Government Gardens for propagation of valuable Fish ..	100	0	0	
			3,400	0 0
			287,866	0 0

(Amount carried over £1,053,084 13 4)

[Page

D—continued.

[Page 2685.]

FOR THE SERVICE OF THE YEAR 1862.

8. SUPPLEMENTARY:—Any sum or sums of money not exceeding one hundred and forty-eight thousand and fifty pounds fourteen shillings and eight-pence to defray the Supplementary Charges for the year 1862 of the Salaries Contingencies and other Expenses of the Establishments and Services following:—

Supplement to Schedule B (<i>Pensions</i>)	£144	19	9	
Executive and Legislative	200	0	0	
Police { ^{38 10 9-1853} 225 17 7-1860 }	570	0	1	
Police { ^{305 12 6-1862}				
Gaols:—				
Sydney	£385	3	6	
Parramatta	9	3	9	
Berrima	118	12	6	
Wollongong	87	11	7	
Orange	177	12	0	
Deniliquin	139	16	0	
Armidale	371	0	0	
Eden	369	10	0	
Deficiency in Votes for Country Gaols for 1861-2.. .. .	488	2	3	
				2,646 11 7
Observatory				194 6 4
Lunatic Asylum Tarban				83 1 8
Vaccine Institution				100 0 0
Charitable Allowances:—				
For support of Paupers in Colonial Hospitals for 1861 further sum	1,346	6	10	
In aid of the Hospital at Wellington on condition of an equal amount being raised by voluntary contributions	100	0	0	
In aid of the Kiandra Hospital on same condition	200	0	0	
In aid of the erection of an Hospital at Grafton on same condition	500	0	0	
In aid of the erection of an Hospital at Burrangong on same condition	200	0	0	
For erecting Hot and Cold Baths at the Sydney Infirmary	300	0	0	
For erection of an additional Story to New Wing of the Randwick Destitute Children's Asylum	2,000	0	0	
				4,646 6 10
Grants in aid of Public Institutions:—				
In aid of the Mechanics' Institute at Albury on condition of an equal amount being raised by voluntary contributions	300	0	0	
Miscellaneous Services:—				
To meet the expense of taking the Census of 1861 further sum	300	0	0	33
Expenses attending the preparation of the Electoral Lists 1861 further sum	50	0	0	
To meet the expense of the Military Detachment at Lambing Flat				
First Expedition	56	17	7	34
Do. Second do.	1,651	5	9	35
For the maintenance of Troops at Lambing Flat	480	4	0	
				2,538 7 4
Law Officers of the Crown	172	13	0	57
Supreme Court	263	0	0	
Sheriff	150	0	0	
Insolvent Court (1861)	22	10	0	
Quarter Sessions (1861)	660	0	0	36
Coroners (1861)	100	0	0	
The Treasury	53	7	4	
Customs (1859-1860)	46	10	8	
Sydney Branch Royal Mint { ^{335 18 0-1861} 1,799 16 0-1862 }	2,135	14	0	
Gold Receivers	41	13	4	
Post Office	847	13	0	
Stores and Stationery { ^{46 13 4-1861} 4,035 7 7-1862 }	4,082	0	11	56 & 56
Printing Bookbinding and Postage Stamps { ^{260 0 0-1861} 810 0 0-1862 }	1,070	0	0	
Gunpowder Magazine	118	2	6	
Steam Navigation and Pilot Board	10	10	0	
Miscellaneous Services:—				
Postage of the various Public Departments for 1861 further sum	200	0	0	
For the transmission of Telegraphic Messages in 1861 do.	400	0	0	
For the transmission of Telegraphic Messages in 1862 do.	1,000	0	0	
Expenses incurred for the conveyance of Commander Sydney R.N. and party to Cape St George for the purpose of reporting upon the site of the Light House there	235	4	0	
Carried over	£ 1,835	4	0	
(Amount carried over	£ 21,197	8	4)	

[Page 2686.]

(Amount brought over £21,197 8 4)

SUPPLEMENTARY—continued.

Brought over	£1,835	4	0
Interest on Moneys deposited in the Treasury under the 18th section of the Savings' Bank Act of 1853 17 Vic. 24 for the year ending the 31 December 1861	1,500	0	0
Interest on Moneys deposited in the Treasury under the 18th section of the Savings' Bank Act of 1853 17 Vic. 24 for the year ending the 31 December 1862	1,500	0	0

Balances.

D—continued.

Balances of Votes written off in the Books of the Audit Office and taken credit for which have since been re-transferred and expended		8,039	3	9	12,874	7	9
Survey of Lands { ^{29 13 9-1860} 8,000 0 0-1861 2,000 0 0-1862}	.. .. .	..	..	..	10,029	13	9
Immigration .. .. .	.. .. .	..	..	..	281	5	0
Gold Fields { ^{90 0 0-1861} 8,264 6 5-1862}	.. .. .	..	..	..	8,354	6	5
Management of Alpacas (1861) .. .. .	.. .. .	..	..	..	53	9	8
Botanic Gardens Sydney.. .. .	.. .. .	..	..	..	276	0	0
Roads other than Main Roads :—							
For Subordinate Roads &c. .. .. .	.. .. .	24,000	0	0	..	..	66
Construction of a Bridge over the Macquarie River at Dubbo .. .. .	.. .. .	7,000	0	0	..	..	..
Completion of Long Bay Road .. .. .	.. .. .	1,400	0	0	..	..	..
Formation of Streets through Crown Lands Sydney .. .. .	.. .. .	1,500	0	0	..	..	..
Formation of Hamilton-street Sydney and erection of retaining wall further sum .. .. .	.. .. .	74	8	0	..	..	..
Formation of Phillip-street Sydney between Bent-street and Circular Quay .. .. .	.. .. .	705	0	0	..	..	64
Formation of Margaret-street Sydney and adjoining Lanes .. .. .	.. .. .	295	0	0	..	..	..
Construction of Bridge at Bungonia.. .. .	.. .. .	500	0	0	..	..	69
Constructing a Bridge at Burrowa .. .. .	.. .. .	700	0	0	..	..	62
Repair of Roads under the South Head Road Trust embraced by Municipalities .. .. .	.. .. .	484	0	0	..	..	..
Fencing portion of Road from the Merton and Singleton Road at Auckland to the Warkworth Road at Leamington through Mr. Browne's property .. .. .	.. .. .	50	0	0	..	..	..
Fencing portion of Road from Bathurst and Sydney Road <i>via</i> Lime Kilns to the Turon passing through enclosed lands .. .. .	.. .. .	50	0	0	..	..	67
Fencing portion of Road from Liverpool Dam at George's River to Crown Lands in the Parish of Holdsworthly passing through Mr. W. M'William's enclosed land .. .. .	.. .. .	120	0	0	..	..	..
Fencing portion of Road from Grafton to Alunny Creek passing through private property.. .. .	.. .. .	50	0	0	..	..	..
Fencing portion of Road from Goulburn to Wheeo passing through Mr. R. Walsh's land .. .. .	.. .. .	12	0	0	..	..	..
Fencing portion of Road from Nowra to Greenwell Point where it passes through enclosed lands .. .. .	.. .. .	370	0	0	..	..	..
Erection of Toll House and Gates on the Clyde Road .. .. .	.. .. .	120	0	0	..	..	60
					37,480	8	0
Miscellaneous :—							
Towards facilitating the navigation of the Murrumbidgee the further sum of .. .. .	.. .. .	1,000	0	0	..	..	61
Expense of Lithographing Plans accompanying Return of Letters of Registration of Inventions ordered by the Legislative Assembly .. .. .	.. .. .	200	0	0	..	..	..
Fencing General Cemetery at Howlong .. .. .	.. .. .	80	0	0	..	..	..
Fencing General Cemetery at Young Burrangong .. .. .	.. .. .	53	2	6	..	..	63
Iron railing round Wynyard Square further sum .. .. .	.. .. .	200	0	0	..	..	..
					1,533	2	6
Electric Telegraphs .. .. .	.. .. .	..	..	..	1,875	13	2
Dry Dock .. .. .	.. .. .	..	..	..	556	6	8
Harbours and Rivers :—							
Road approaches to Jetty Bateman's Bay .. .. .	.. .. .	160	0	0	..	..	71
Toll House and Gates Glebe Island Bridge .. .. .	.. .. .	116	0	0	..	..	65
Coals for Pump Engine Glebe Island Abattoirs .. .. .	.. .. .	70	0	0	..	..	..
Repairs to Roads Drains &c. at ditto .. .. .	.. .. .	400	0	0	..	..	..
					746	0	0
Roads and Bridges :—							
Erection of new Toll Houses on Western and Southern Roads .. .. .	.. .. .	375	0	0	..	..	..
Erection of new Toll Houses on Mudgee Road .. .. .	.. .. .	375	0	0	..	..	..
					£750	0	0
(Amount carried over)					£95,208	1	3

[Page 2687.]

(Amount brought over £95,208 1 3)

SUPPLEMENTARY—continued.

Brought over.. .. .	£	750	0	0	..	..	..
Estimated amount of additional Tolls and Ferries for 1862 to be expended where collected	4,600	0	0	..	..	..	68
To be expended on the three Main Roads of the Colony £12,000 each	36,000	0	0	..	..	..	72
					41,350	0	0
Public Works and Buildings :—							
For ordinary repairs alterations and additions to Public Buildings generally 1860 further sum	476	1	6	..	..	..	..
For ordinary repairs alterations and additions to Public Buildings generally 1861 further sum	5,969	19	8	..	..	..	54
To provide Furniture and Fittings for Public Offices generally 1861 further sum	385	19	0	..	..	..	53
For repairs to Military Barracks and other Buildings 1861 further sum	448	6	5	..	..	..	52
For lighting the Government Lamps in the streets of Sydney 1861 further sum	53	15	0	..	..	..	..

For

D—continued.

For providing Materials and Implements for the employment of Prisoners at Parramatta Gaol 1861 further sum	592 10 6	.....	47
For additions to the old Military Barracks at Parramatta	800 0 0		
For Fencing the Public Pound in the City of Sydney	120 0 0		
For the erection of a Light House on King's Island further sum ..	201 17 1	.....	55
For providing Office Accommodation at the Brisbane Distillery ..	100 0 0	.....	75
For erection of Pilot Station Moruya further sum	6 0 0		
For erection of Light House Eden further sum	50 15 0	.....	21
For erection of Police Buildings at Lambing Flat further sum ..	251 15 7	.....	51
For additions to Lunatic Asylum Tarban 1860 further sum ..	69 12 0	.....	73
For erection of the Parliamentary Stand in the Domain	250 0 0	.....	74
For erection of Light House Port Stephens further sum	1,630 15 11	.....
			11,407 7 8
Miscellaneous :—			
Expenses incurred in reporting on Sites for the undermentioned Bridges viz. :—			
Bridge over Peel at Tamworth	27 10 0		
Wollombi Bridge	7 0 0		
Millfield Bridge	17 0 0		
Designs for New Houses of Parliament and Public Offices further sum	33 15 9		
			85 5 9
(TOTAL AMOUNT APPROPRIATED FOR THE SUPPLEMENTARY SERVICE OF THE YEAR 1862)			£148,050 14 8)
(TOTAL AMOUNT APPROPRIATED FOR THE SERVICE OF THE YEAR 1863)			£1,392,738 13 4)
(GROSS TOTAL)			£1,540,789 8 0)

9. The Treasurer of the said Colony shall issue and pay the said several sums to such persons for the purposes hereinbefore mentioned upon such days and in such proportions as the Governor by any warrant or order in writing under his hand and directed to the said Treasurer shall from time to time order and direct and the payments so to be made shall be charged upon and payable out of the Consolidated Revenue Fund of the said Colony.

10. The said Treasurer shall in his Accounts from time to time be allowed credit for any sum or sums of money paid by him in pursuance of such warrant or order in writing as aforesaid and the receipt or receipts of the respective persons to whom the same shall be so paid shall be a full and valid discharge to the said Treasurer in passing his said Accounts for any such sum or sums as shall be therein mentioned and he shall receive credit for the same accordingly.

[Page 6.]

(Amount brought over £818,993 2 1)

Secretary for Public Works :—continued.

Public Buildings—continued.

	Brought over	£ 212,389 10 4
	Brought over	£ 25,695 0 0
For the erection of a Watch House, do.	300 0 0	
For the erection of a Police Office at Ulladulla	500 0 0	
For the erection of a Watch House, do.	300 0 0	
For the erection of a Watch House at Tenterfield	300 0 0	
For the erection of a Watch House at Bingera	300 0 0	
For the erection of a Police Office at Adelong	600 0 0	
For the erection of a Watch House, do.	400 0 0	
For the erection of a Police Office at Timbarra	500 0 0	
For the erection of a Watch House, do.	300 0 0	
For the erection of a Patrol Barracks at Goulburn	300 0 0	
For the erection of a Watch House, Lake Macquarie Road	400 0 0	
For the erection of a Watch House at Howlong, near Albury	200 0 0	
For the erection of a Police Office at Gunnedah	300 0 0	
For the erection of a Police Office at Morpeth	400 0 0	
For the erection of a Watch House at Penrith	500 0 0	
Additions to Court House, East Maitland	400 0 0	
Additions to Court House, Muswellbrook	350 0 0	
For the erection of Police Office and Watch House at Hay, (Lang's Crossing Place) a further sum	20 0 0	
Additions and Improvements to the Protestant Orphan School, Parramatta	1,670 0 0	
Additions and Improvements to the Royal Artillery Barracks, Dawes' Point	1,980 0 0	
For the erection of Patrol Barracks at Armidale	300 0 0	
For providing Court Houses and Gaols under the District Courts' Act	25,000 0 0	
For Lighting Government Lamps in streets of Sydney	427 0 0	
Erection of Police Barracks and Hospital, at Tumut	500 0 0	
Erection of a Chimney at the Royal Mint	266 0 0	
Erection of Additional Out-houses at Hornby Lighthouse	262 0 0	
Repairs to the Lunatic Asylum at Parramatta	1,000 0 0	
Out-buildings and Internal Fittings, New Registry Office	1,500 0 0	
Additions, Government Printing Office	850 0 0	
To cover cost of Court and Watch Houses at Queanbeyan, in addition to £1,200 provided by Loan Act, 1854	450 0 0	

Deficiency

D—continued.

Deficiency in amount voted for Alterations to			
Court House, Bathurst..	..	..	81 8 0
Do. Repairs, Military Buildings ..	..	..	249 3 3
Do. Observatory Buildings ..	..	..	49 1 2
Do. Alterations, &c., to Houses of Parliament ..	..	..	2,095 15 0
Do. Light House, Inner South Head	..	..	83 3 11
Kiandra, Court House and Station House ..	..	..	1,200 0 0
Russell's Station, ditto ditto ..	..	..	1,200 0 0
Micalago, ditto ditto ..	..	..	400 0 0
Inverell, ditto ditto ..	..	..	1,200 0 0
Bungendore, Station House..	..	..	400 0 0
Queanbeyan, Patrol Station..	..	..	800 0 0
Micalago, Patrol Station ..	..	..	800 0 0
Cooma, ditto ..	..	..	800 0 0
Bombala, ditto ..	..	..	800 0 0
Wyndham, ditto ..	..	..	800 0 0
Russell's, ditto ..	..	..	800 0 0
Yarringabilly, ditto ..	..	..	800 0 0
			73,828 11 4
Carried over..	..	..	£ 291,218 1 8
(Amount carried over			£ 818,993 2 1)

(To Evidence given by James Barnet, Esq., Acting Colonial Architect, 22 July, 1863.)

E. No. 1.

THE garden wall at Government House has been executed by my department, under the authority and estimate contained in the accompanying letter,* the stone having been procured from the gaol, and the expense of labour and cartage charged to the vote for repairs, alterations, and additions to public buildings. The earthwork has been executed by the Director of the Botanic Gardens.

The only other improvements are an awning on the eastern front, and a fountain in the garden, part of the works of which have been performed by prison labour at the gaol, the expense of materials being defrayed from the above-named vote.

A. D.

* The letter referred to is that of which E. No. 4 is a copy.

E. No. 2.

Mr. Dawson's instructions to the Chief Clerk, as to the report which is endorsed on E. No. 4.

REPORT that nearly the whole of the stone could be procured from Darlinghurst Gaol, and the actual money cost will be about £300, which may be defrayed out of the general vote.

A. D.
9 May.

Mr. Chapman.

E. No. 3.

MEMO:—The iron pipe of the stove in the room occupied by Mackay, the gardener, at the Government House Stables, is worn through, and a new piece of piping is required.

To the Public Works Department,
&c., &c., &c.
Colonial Architect, B.C., 11/8/62.—J. R.
F. Turville, Esq., P.S.—12/8/62.
Mr. M'Cracken, F.W.—A. D., 13 Augt.

F. TURVILLE,
Private Secretary.
11th August, 1862.

Government House,
24 January, 1863.

MEMO:—Required a room in the stables to be new floored, walls whitewashed, windows enlarged, the present door-way closed up, and a fresh opening made. The easy chair in the Governor's Office requires to be re-covered.

JOHN W. TAYLOUR, Captain,
A. D. C.

B. C.
The Under Secretary for Works.
Acting Colonial Architect—B. C. 27/1/63.—J. R.
Done.—R. O.

REQUIRED:—One new set of window curtains (muslin) for drawing-room, and the old ones repaired.

JOHN W. TAYLOUR, Captain,
A. D. C.

B. C.
The Colonial Architect.
Submitted, 27/4/63.—J. E.
Colonial Architect.—B. C.—W. M. A.—29/4/63.
Noted, 30/4/63.

Government House,
8 June, 1863.

REQUIRED:—For hall porter's room in stables, one grate.

JOHN W. TAYLOUR, Captain,
A. D. C.

B. C.
Colonial Architect.—W. M. A.—9/6/63.

MEMO :—Required a chimney-pot on the chimney of Lady Young's dressing-room. The chimney does not draw off the smoke.

10 June, 1863.

JOHN M. CASHMAN.

B. C.

The Under Secretary for Works.

Colonial Architect.—W. M. A.—10/6/63.

Urgent—B. C.

REQUISITION for Government House :—

Plumber to repair a gutter on the roof, and new top to a waste pipe. Bricklayer to open a drain in the cellar, which is overflowing.

F. TURVILLE.

June 13, /63.

The Under Secretary,

&c., &c., &c.

Public Works Department.

Mr. Barnet,

Urgent.

13/6/63.—J. R.

WORK required to be done at Government House, June 25, 1863 :—The bricklayer to re-set the washing coppers. Repair the lead pipes. Repair the iron stove. Repair the pipes on roof, which supply the closet cisterns.

F. TURVILLE,

Private Secretary.

The Public Works Department,

&c., &c., &c.

Mr. Barnet.—B. C.—25/6/63.—J. R.

63/820.—25 June.

Government House,

June 25, 1863.

Goods required :—Ticking for covering blinds at kitchen window. Spring latch for back door. 8-inch rim lock for upper bed-room. Two 2½-inch draw locks. Six hat pins. One brass cupboard lock. Two pair of 3½-inch brass buttons. One padlock. Six brass buttons. Two pair of hook and eye hinges for pig yard, &c. Three 6-inch bolts. Ten lbs. nails. Stables :—Six staples. Two Norfolk latches. Two sash fastenings. Five bushels lime. White lead. Wash line. Line-hook. ¾ clout nails.

F. TURVILLE,

Private Secretary.

The Public Works Department,

&c., &c., &c.

Mr. Barnet.—B. C.—25/6/63.—J. R.

E. No. 4.

Department of Public Works,

Sydney, 23 April, 1861.

Sir,

Alluding to the instructions given to the Director of the Botanic Gardens, to improve the flower garden at Government House, I am directed to inform you, that it has been represented that to properly effect this, it will be necessary that a stone wall should be built around a portion of the garden; and as this is a work which should be carried out by the Colonial Architect, I am to inquire whether there is any disposable fund out of which the cost, estimated at £400, could be defrayed.

I have, &c.,

JOHN RAE.

The Under Secretary for Lands.

Submitted, 26.—There is no such fund.—JOHN R.—2 April.

Under Secretary for Works.—B. C.—30 April.—M. F.P.

Submitted.—1/5/61.

As this retaining wall appears necessary to give effect to the improvements authorized by Lands Department, Colonial Architect will please consider and report in what manner it can be most economically executed (possibly availing of prison labour), and inform what fund paid.—3/5/61.—W. M. A.

Colonial Architect, for report.—B. C.—3 May, 1861.—To be returned.—J. R.

Noted.—4/5/61.

A quantity of stone, nearly sufficient for this work, may be procured at Darlinghurst Gaol; and the expenditure required for labour, cartage, &c., will amount to about £300. The expense might be defrayed from the general vote of £10,000 for repairs, alterations, &c. to public buildings.

9 May, 1861.

A. D.

Submitted.—10/5/61.—J. R.

Approved.—W. M. A.—10/5/61.

Colonial Architect to carry out for us.—C. G. H.—B. C.—11/5/61.

E. No. 5.

Government House,
20 June, 1861.

Sir,

I have the honor to request that you will issue such directions that the rooms in the stable yard, now occupied by Sir John Young's coachman, may be put in a complete state of repair. Also, the Aide-de-Camp's harness room. I also would feel obliged by your informing me, whether you will be enabled to erect a canvas verandah for the ball His Excellency and Lady Young purpose giving on the 18th proximo. I am further desired to call your attention to the window in the hall, which, in accordance with Sir John Young's wishes, I suggest should be either stained or have a silk blind, in order to prevent strangers from seeing into the hall.

I am, &c.,
JOHN W. TAYLOUR, Captain,
Aide-de-Camp.

The Colonial Architect,
&c., &c., &c.

E. No. 6.

Government House,
Sydney, 9 January, 1860.

REQUIRED:—In the house—Bedroom windows cleaned.

A wooden bracket (about 16 inches across) on each side of window in the school-room.

Bells to be hung in the record-room, and bed-room, next door.

Cow house—Bolt to be placed on the inside of door, and the lock to be repaired.

Terrace garden—The tool house to be thoroughly repaired, or a new one put up.

New gate posts (wood) to the gate on west side of garden.

Poultry yard—The pens to be thrown out six feet, and the trough to be repaired, or a new one placed.

Stables—The stall boards to be replaced as soon as possible.

Gardener's cottage—Ceilings, &c., repaired.

HENRY D. PITT,
A. D. C.

The Colonial Architect.

Mr. Orford to comply.—A. D., 10 July.

Completed by Mr. Spence.—R. ORFORD, Foreman of Works.

Completed.—R. ORFORD, F. of W.

Government House,
Sydney, 25 January, 1860.

REQUIRED:—The leaden pipe near No. 3 sentry box to be boarded over to the height of 12 feet.
The glass flower frame in the terrace garden to be moved to the kitchen garden.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.

Mr. Orford to execute.—W. C.

An iron casing to the pipe, I think preferable.—W. C., 25 Jan.

Performed by Mr. Spence.—R. ORFORD, F. of W.

Government House,
Sydney, February 4, 1860.

REQUIRED:—The flower frame in the terrace garden to be moved to the kitchen garden, and a brick wall five feet high to be built round it at a distance of two feet from it.

HENRY D. PITT,
A. D. C.

The Colonial Architect.

Mr. Orford—To be executed.—W. C.—7 February.

Performed—R. ORFORD, F. of W.—23/4/60.

Government House,
Sydney, February 10, 1860.

MEMO.—The wet has come through the roof in several places.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.

Ordered of Mr. Willson.—R. ORFORD, F. of W.

Executed.—R. ORFORD, F. of W.

Government House,
Sydney, February 11, 1860.

REQUIRED:—The servants' privies to be emptied.—Long hinges to be put to the doors of the lower drawing-room.—A frame to be made to enclose part of the duck pond.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.

Mr. Orford—To estimate the alteration required to the duck pond.—W. C.—11 February.

Completed.—R. ORFORD, F. of W.

Government House,
Sydney, March 7, 1860.

MEMO.—The skirting in the night nursery to be removed, cleaned, and replaced early to-morrow morning.

HENRY D. PITT,
A. D. C.

The Colonial Architect.

Mr. Orford, F. W.—A. D., 7 Mar.

Executed by Mr. Spence.—R. O.

*Government House,
Sydney, 8 March, 1860.*

MEMO.—It is requested that the requisition forwarded yesterday, for work to be done in the night nursery, may be attended to immediately.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.
Ordered—Spence—8 March.

*Government House,
Sydney, 27 March, 1860.*

REQUIRED :—A new roof to the pigstye and sundry repairs to it (carpenter's works.)

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.

Mr. Orford to get this done at once—A. D., 27 March. Performed—R. ORFORD, F. of W.

*Government House,
Sydney, 9 April, 1860.*

MEMO.—The Governor General wishes sulphur to be burnt in the cellars, to destroy the cockroaches. The doors and windows will have to be hermetically sealed up.

HENRY D. PITT,
A. D. C.

The Colonial Architect.
Done—R. O.

*Government House,
Sydney, 19 April, 1860.*

REQUIRED :—The chimneys at the stables and cottage in the garden to be swept.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.

Mr. Orford to comply—A. D., 19 April. Ordered—R. O. Performed—R. ORFORD, F. of W.

*Government House,
Sydney, 2 May, 1860.*

MEMO.—The pipe from the sink in the water-closet, near the nursery, is choked.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.

Mr. Coles, F. W.—A. D. Ordered Wynne to send a plumber immediately—2/5/60. Performed—R. ORFORD,

*Government House,
Sydney, 14 May, 1860.*

REQUIRED :—The whole of the windows, chandeliers, and mirrors to be cleaned before the 24th inst.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.

Ordered by Mr. Dawson, 15 May, 1860. Mr. Orford, F. W.—A. D., 15 May.

*Government House,
Sydney, 18 May, 1860.*

REQUIRED :—A barrier on the east side of the great staircase, same pattern as the balustrade.

- The wall on south side of the house to be scrubbed before the 24th instant.
- Stone vase in the terrace garden to be repaired.
- Two stalls in the stable to be boarded up underneath the manger.
- The frame-pit in the garden to be cemented on the inside or drained.
- A blind and roller for the top of the frame.
- Wooden covers for the sides of the pit.
- Window of porter's room to be repaired.
- Several panes of glass to be replaced.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.
Performed—R. O.

*Government House,
Sydney, 28 May, 1860.*

REQUIRED :—The Inner Domain fence, opposite North Terrace, in Macquarie-street, to be repaired and fastened with hoop-iron.

The chaff-cutter at the stables to be repaired.

HENRY D. PITT,
A. D. C.

The Colonial Architect.

Chaff-cutter ordered—15/6/60—R. O. Performed—R. O.

*Government House,
Sydney, 18 June, 1860.*

REQUIRED:—The carpet in the ball-room to be laid down on Wednesday morning.
Several white window-blinds require repairs:

HENRY D. PITT,
Lieut. R. A.,
A. D. C.

The Colonial Architect.

Mr. Orford to cause the carpenter to attend to this—A. D.—19 June.
Ordered, 19/6/60—R. ORFORD.
Performed—R. O.

*Government House,
Sydney, 19 June, 1860.*

MEMO.—One of the cisterns in the house is out of repair, and requires to be immediately attended to.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.
Ordered.

*Government House,
Sydney, 23 June, 1860.*

REQUIRED:—A new drugget for the ball-room (or the old one properly repaired).
Two dozen chairs for the ball-room.
One dozen keys to fit the lock on the wicket-gate at Fort Macquarie.

HENRY D. PITT,
A. D. C.

The Colonial Architect.

Mr. Orford, F.W.—A. D.—26 June. Ordered of Hill—29/6/60—R. O. Complied with—R. O.

*Government House,
Sydney, 27 June, 1860.*

REQUIRED:—For the paddock in the Inner Domain, twenty-five yards of 4-inch earthenware pipes.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.
Ordered—3 July, 1860.

*Government House,
Sydney, 2 July, 1860.*

REQUIRED:—A new spring to the door between the hall and the back premises.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.
Ordered—3 July, /60.

*Government House,
Sydney, 23 July, 1860.*

MEMO.—The large window in the dining-room is in a dangerous state, and requires attention.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.

Mr. Orford to see to this at once.—A. D., 24 July—Urgent.

*Government House,
Sydney, 25 July, 1860.*

MEMO.—Chimney-tops to be put up at the stables, in the place of those blown down.
An American stove to be fixed in the porter's quarters at the stables, in place of the grate broken by the fall of the chimney-top.

HENRY D. PITT,
A. D. C.

The Colonial Architect.

Mr. Orford, F. W.—A. D., 25 July.

*Government House,
Sydney, 28 July, 1860.*

REQUIRED:—For the stables, Venetian shutters (ten) to the windows in the towers.
The American stove to be placed in the porter's room, at the stables, as soon as possible.

HENRY D. PITT,
A. D. C.

The Colonial Architect, &c.

Mr. Orford.—A. D., 28 July.

*Government House,
Sydney, 31 July, 1860.*

MEMO.—The carpet in the hall to be taken up on Thursday morning, and the floors of the hall and ball-room to be scrubbed.

A hearthrug is required to match the new drugget for the ball room.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c.

Ordered of Mr. Hill—R. O.

*Government House,
Sydney, 7 August, 1860.*

REQUIRED:—The lock of the garden door to be repaired.
The lock on the gate of the poultry yard to be repaired.
A new cover to the stone in the kitchen (*immediate.*)

HENRY D. PITT,
A. D. C.

The Colonial Architect.

Ordered—R. ORFORD.

Government

*Government House,
Sydney, 8 August, 1860.*

MEMO.—It is requested that the requisition for the stone for the porter's room at the stables may be attended to *immediately*.

The requisition was sent a fortnight ago.

The roof over the nursery to be repaired.

New cover required to the tank in the Domain *immediately*.

The Colonial Architect.

HENRY D. PITT,
A. D. C.

*Government House,
Sydney, 18 August, 1860.*

REQUIRED :—A shelf to be put up in the schoolroom.

A spring to be put on the outer door of the privy at the end of the aviary.

Ordered, 18th August.

The Colonial Architect,
&c., &c.
Ordered, 18 August.
Performed.—R. O.

HENRY D. PITT,
A. D. C.

*Government House,
Sydney, 21 August, 1860.*

MEMO.—The water pipes all over the house are stopped up.

Requested that the requisition forwarded on Saturday last may be attended to.

The Colonial Architect.

HENRY D. PITT,
A. D. C.

The shelving asked for in requ. of Saturday last is now being prepared in the shop.

W. C.—21 August, /60.

*Government House,
Sydney, 6 September, 1860.*

MEMO.—The lock upon the bathing-house door is out of order. Several repairs are required to the bathing-house. Some panes of glass to be replaced in the windows at the stables.

The Colonial Architect.
Performed.—R. ORFORD, F. of W.

HENRY D. PITT,
A. D. C.

My dear Sir,

The Governor General would wish the repairs to the several windows to be proceeded with as soon after the 13th instant as possible.

Alexr. Dawson, Esq.

Yours very truly,

HENRY D. PITT.

*Government House,
Sydney, 6 September, 1860.*

*Government House,
Sydney, 29 September, 1860.*

REQUIRED :—A new wooden frame to a grating in the stable yard. Some flagging removed in the stables—(dead rats underneath.)

The Colonial Architect.

HENRY D. PITT,
A. D. C.

I have gone to see about the frame to the grating.—J. SPANSWICK.

*Government House,
Sydney, 1 October, 1860.*

MEMO.—The handles to several of the doors, all over the house, require repairs.

HENRY D. PITT,
A. D. C.

The carpet in the ball-room to be laid down on Wednesday next.—H. D. P.
The Colonial Architect.

*Government House,
Sydney, 24 October, 1860.*

REQUIRED :—The carpets in the ball-room and hall to be taken up to-morrow morning, and the floors washed. A carpenter to put up the hat-stand, &c.

The Colonial Architect.
Mr. Orford.—W. C.—24 Oct., /60.
Ordered.—24/10/60.—R. O.

HENRY D. PITT,
A. D. C.

*Government House,
Sydney, 27 October, 1860.*

MEMO.—The Governor General wishes a leaping-bar erected in the Domain.
The dining-room requires several repairs, which had better be executed when the window is under repair.

The ceiling of the coach-house requires to be replaced.

The Colonial Architect.

HENRY D. PITT,
A. D. C.

Government

*Government House,
Sydney, 1 November, 1860.*

REQUIRED:—A drain (open) to be cut from the pond behind the cow-shed past the cow-shed yard.
Some rough pavement to be put down in the yard of the cow-shed.
A small manger to be put up inside.
Also a pipe drain to carry the surplus water from the tank near the kitchen garden fence, past the soil pit.
Wire trellis to be fixed to the remaining sides of the gardener's cottage.

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.
Mr. Orford, F. W.—A. D., 2 Nov.

*Government House,
Sydney, 10 November, 1860.*

MEMO.—The chimneys of the offices and nursery requiring sweeping, (Thursday morning will be most convenient time.)
The nursery walls to be scrubbed.
A lock required on the door of the cow-shed.

HENRY D. PITT,
A. D. C.

The Colonial Architect.
Mr. Orford—A. D., 10 Nov.

*Crown Law Offices,
6 December, 1860.*

Sir,

I am directed to request that you will have the goodness to give the necessary directions respecting the sweeping of the chimneys attached to this establishment.

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

The Colonial Architect,
&c., &c., &c.

*Government House,
Sydney, 19 December, 1860.*

My dear Mr. Dawson,
The Governor General wants the list of the Government furniture here made out *immediately*, as the catalogue of his own cannot be made till after the Government one is completed. The masons do not know what to go on with. I wish you could manage to come and look at what ought to be done.

Yours very truly,
HENRY D. PITT.

My dear Mr. Dawson,
I see no sign of the chandeliers in the ball-room, and as the ball is for the 26th, I wish you would order everything about them.

Yours,
JOHN W. TAYLOUR.

Sept. 17, 1861.

25 July.

My dear Rae,
I find, on correct calculation, the stage now erecting at Government House will cost £15. Mr. Arnold should know this.

Yours truly,
ALEX. DAWSON.

J. Rae, Esq.

Submitted, 25/7/62.—J. R. Approved.—W. M. A.—25/7/62.

October 26, 1861.

My dear Mr. Dawson,
Would you kindly have some wood blinds put up outside the coachman's windows in the stable yard, as he complains of great inconvenience from the afternoon sun? Could you also manage to paper his sitting-room with common paper, as the walls in their present state damage his clothes when hung up?

Yours faithfully,
JOHN W. TAYLOUR.

Ordered of Fuller and Renny.—R. O.

A MAN is required to repair the blinds, torn by the wind, in the verandah.

JOHN W. TAYLOUR, Captain,
Aide-de-Camp.

A. Dawson, Esq.,
Colonial Architect.

Mr. Orford, F. W.—A. D., 22 Nov. Performed by Mr. Chisholm.—R. O.

*Government House,
Sydney, January 16, 1861.*

MEMO.—The ball-room floor to be washed early on Saturday morning.

HENRY D. PITT, Lieut., R.A.,
A. D. C.

The Colonial Architect.

Ordered of Mr. Hill, 17/1/61.—R. O. Done.—R. O.

11 March, 1861.

REQUIRED:—The rooms at the stables to be whitewashed, and wood-work painted, outside and in. Horses' names to be painted over the stalls in the orderlies' stables.—The rooms in the gardener's cottage to be whitewashed.—Twenty 3-inch earthen pipes required for drain in garden, on east side of the house (immediate.)

HENRY D. PITT,
A. D. C.

The Colonial Architect,
&c., &c., &c.

Mr. Coles, C. W.—A. D., 12 March.

The inside of stables have been painted and whitewashed—now hardly finished. The exterior was all painted and whitewashed in September, 1859.—W. C., 15 Mar., /61.

REQUIRED:—A plumber, *immediately*—one or two pipes choked.—Men from the gas-fitters, to clean lights in the kitchen and offices.

16 March, 1861.

The Colonial Architect,
&c., &c., &c.

HENRY D. PITT,
A. D. C.

Government House,
3 March, /62.

Chimney-sweep required for the kitchen in Government House.

The Colonial Architect.
Ordered.—3 March, /62.—W. C.

JOHN W. TAYLOUR, Captain,
Aide-de-Camp.

30 September, 1862.

My dear Mr. Dawson,
I am desired by Lady Young to request you will oblige her with a covering for the roof of the new greenhouse, as the sun is getting very powerful.

Sincerely yours,
JOHN W. TAYLOUR.

17 Oct.

Dear Mr. Dawson,
Could you come down for a minute to-morrow, about the lightning conductor? It would be so much more "sightly" if it could be combined with the flagstaff.

Yours very truly,
F. TURVILLE.

(To Evidence given by the Auditor General, 29 July, 1863.)

F. No. 1.

ABSTRACT of Expenditure forming the sum of £5,783 10s. 7d., shewn in the Appendix (A. No. 1) to the Auditor General's Evidence, given on the 7th July, as having been expended, without the authority of Parliament, for casual Repairs to Public Buildings.

PARTICULARS.	AMOUNT.		
	£	s.	d.
Government House	*1,593	19	0
Government Stables	*68	10	0
Colonial Secretary's Office	13	0	6
Registrar General's Office	8	17	2
Water Police Office	133	3	8
Observatory	7	5	11
Australian Museum	31	19	3
Vaccine Institution	1	10	1
Crown Law Offices	158	4	5
Supreme Court	466	8	2
Insolvent Court	44	13	3
District Court, Sydney	8	2	3
Treasury	7	11	5
Custom House, Sydney	88	11	4
Quarters for Deputy Master of the Mint	392	17	0
General Post Office	40	5	0
Post Office, Moore's Wharf	29	12	10
Government Printing Office	279	15	7
Colonial Stores	24	14	10
Quarantine Station	50	15	9
Landing Waiters' Box, Circular Quay	9	15	0
Tide Waiters' Box, Circular Quay	3	6	4
Signal Station, Fort Phillip	0	4	0
Port Master's Office	0	3	0
Customs Station, Botany	238	15	11
Lands Office	19	0	4
Surveyor General's Office	139	19	6
Immigration Barracks	97	8	1
Botanic Gardens	3	3	8
Upper Lodge, Government Domain	3	16	7
Lower Lodge, Government Domain	1	13	1
Lodge, Inner Domain	13	17	1
Residence of Superintendent of Police, Carter's Barracks	425	0	3
Mounted Patrol Stables, Carters' Barracks	86	10	7
Public Works Office	0	7	6
Department of Internal Communication	1	10	1
Colonial Architect's Office	42	13	0
Auditor General's Office	27	6	8
Protestant Orphan School, Parramatta	2	17	0
Lunatic Asylum, Tarban Creek	43	15	0
Hornby Light-house	5	2	0
Pilots' Residence, Newcastle	51	6	8
Harbour Master's Residence, Newcastle	19	1	2
Boat Shed, Newcastle	2	14	3
Custom House, Eden	15	10	0
Toll House, Camperdown	8	0	3
Quarters of Superintendent of Mounted Patrol, Goulburn	32	11	9
Mounted Patrol Station, Hartley	27	16	0
Mounted Patrol Station, Diamond Swamp	71	19	0
Mounted Patrol Stables, Bathurst	10	0	0
Police Stables, Hargraves	12	0	0
Police Paddock, Windsor	12	4	6
Carried forward	£	4,879	5 8

* These sums are included in Appendix A. No. 2.

F. No. 1—continued.

PARTICULARS.		AMOUNT		
		£	s.	d.
Brought forward		4,879	5	8
Fencing Police Paddock, Campbelltown		9	0	0
Government Stables, Armidale		2	0	0
Grafton		0	10	0
Newcastle		24	17	6
Wellington		1	0	0
Campbelltown		1	12	0
Glen Innes		1	10	0
Raymond Terrace		1	16	0
Eden		9	0	0
Bega		9	0	0
Court House { Braidwood		1	0	0
Goulburn		11	12	6
East Maitland		0	12	6
Gosford		4	0	0
Dungog		1	0	0
Tamworth		3	0	0
Cooma		1	3	6
Darlinghurst		543	8	7
Darlinghurst		0	8	6
Watch-house { Three Rivers		0	10	6
Guyong		7	0	0
Cumberland-street, Sydney		26	8	7
Court and Watch House, Stroud		67	0	0
Merriwa		1	0	0
Lock-up { Picton		2	8	0
Camden		0	10	0
Braidwood		0	5	0
Police Office and Lock-up, Panbula		2	8	1
Gaul { Sydney		1	7	0
Tamworth		1	2	6
Court House and Lock-up, Tumut		60	0	0
Court House and Lock-up, Yass		9	16	0
Watch-house and Gaol, North Gundagai		9	0	0
Public Buildings generally—				
Wages of Carter		52	16	0
Wages of Labourer		35	17	2
Total		£	5,783	10 7

W. C. MAYNE,

Audit Office, Sydney,
24 July, 1863.

A. G.

F. No. 2.

ABSTRACT of Expenditure, forming the sum of £384 14s., shewn in the Appendix (A. No. 1) to the Auditor General's Evidence, given on the 7th July, as having been expended without the authority of Parliament, for Furniture and Fittings for Public Offices.

PARTICULARS.		AMOUNT.		
		£	s.	d.
Legislative buildings		274	11	8
Stationery department		8	0	0
Gaol, Bathurst		1	19	0
District Surveyor's Office, Albury		14	17	6
Mounted Patrol Station, Frying-pan		18	6	0
Police Office, Nelligen		1	15	6
Armidale		49	19	0
Court House { Panbula		1	5	0
Orange		13	13	6
Grafton		0	6	10
Total		£	384	14 0

W. C. MAYNE,

Audit Office, Sydney,
24 July, 1863.

A. G.

(To Evidence given by Acting Colonial Architect, 31 July, 1863.)

G. No. 1.

STATEMENT of the various Works executed at the Government House, Sydney, and supplies of Furniture for same, on account of which were made the various payments shewn in Appendix B. No. 1.

BUILDERS' WORK.		£	s.	d.	£	s.	d.
Cutting coat of arms on west front, and altering niche for same..	..	48	15	7			
Constructing new private entrance in west front ..	..	341	8	5			
Repairing mullions of windows and stopping joints ..	..	97	14	3			
Repairing old flagstaff, and providing new staff, halyards, &c. ..	..	48	10	0			
Providing, altering, and lengthening lightning conductor ..	..	63	11	9			
Fitting-up kitchen, scullery, and still-room ..	..	382	4	1			
Marble slab for pastry-room ..	..	2	10	0			
Constructing new larder, and wire netting for same ..	..	131	0	2			
Paperhanging, painting, and decorations in ball-room ..	..	322	17	3			
Erecting and fitting-up cow-house ..	..	251	8	2			
Erecting two new servants' water-closets ..	..	28	18	1			
Constructing conservatory ..	..	293	2	5			
Providing Venetian blinds to offices and public rooms ..	..	80	19	2			
Constructing deer-house and fence round same ..	..	96	19	5			
Cleaning and repairing gas-fittings, alterations to same, and hire of gas meter ..	..	354	0	0			
Erecting temporary stage, ornamental papering and painting for same, hire of chairs and washstands, &c., removal of chandeliers for private theatrical purposes ..	..	94	0	0			
Seventeen ornamental vases for terrace wall ..	..	45	5	0			
Fixing new trellis fencing ..	..	111	6	9			
Canvas hose for watering garden ..	..	27	4	8			
Two register stoves for Lady Young's and housekeeper's rooms ..	..	13	19	0			
Repairs to grates, and bellhanger's work and repairs, blacksmiths' repairs, sharpening masons' tools, repairing locks, &c. ..	..	145	17	9			
Sweeping chimneys and cleaning water-closets ..	..	22	8	0			
Repairing water pipes, lead gutters, and slating of roofs, and repairs to water-closets ..	..	333	19	2			
Glaziers' repairs, and cleaning paint-work generally, cleaning and varnishing wood-work ..	..	275	13	5			
Repairs to plastering, colouring, whitewashing, painting, and papering to building generally ..	..	363	6	6			
Carpenters' and joiners' work, and materials in repairs to the house, out-offices, fences, &c. ..	..	600	10	1			
Sundry occasional masons', bricklayers', and other works in repairs to the buildings, drains, &c., throughout ..	..	485	6	9			
Repairing and renewing awnings ..	..	36	8	2			
					5,099	4	0
IRONMONGERY.							
Nails, screws, locks, bolts, hinges, and other articles of builders' ironmongery for general repairs ..	..	.....			108	2	5
FURNITURE, HANGINGS, CARPETS, &c.							
Hall and entrance doors—							
Floorcloth, £5 4s. 6d.; two door-mats, 20s.; matting and door-mats, 48s.; five large door-mats, 72s. ..	..	12	4	6			
Principal staircase, back stairs, office stairs, and passages—							
Coir matting, 32s. 6d.; carpet, £30 11s. 6d.; floorcloth, 54s. 2d.; carpet, £18 1s. 7d.; laying old carpet, 55s.; drugget, 23s. 7d.; floorcloth and laying, 36s. 8d.; stair carpet, £7 16s. 3d.; matting, 39s.; floorcloth, 42s. 9d.; carpet, 24s. ..	..	71	17	0			
Executive Council rooms, Governor's Private Secretary and Aid-de-Camp's rooms and offices—							
Green baize, 82s. 6d.; constructing fittings, 7s. 6d.; chair, £5; bell-pulls, £10 9s. 6d.; tablecover, £6 6s.; matting, 21s.; office tables, £22 10s.; chair and reading desk, £7 10s.; table cover, 15s.; carpet, 32s.; easy chair, £3 10s.; desk, 30s.; bell-rope, 11s.; drugget, 50s. 11d.; office tables, £6 10s.; table and stool, £6 5s.; tables, £12 10s.; washstand, 33s.; fenders and fire-irons, 62s. 6d.; cedar stand, 15s.; table covers, 22s. 6d.; table cover, 15s.; table, 84s.; washstand fittings, 30s.; glass, 10s. 6d. ..	..	114	2	11			
Ball-room—							
Carpet, £29 3s. 4d.; hearthrug, 40s.; pianoforte, £152 5s.; 3 chairs, 67s.; window cornices and drapery to three windows, £110 16s. 10d. ..	..	297	12	2			
Drawing-room—							
Twenty-four chairs, £14 8s.; two marble top cabinets, £45; three sets lace curtains, £42 10s.; loose Holland covers for furniture, £51 6s. 8d.; two chairs, covered with tabaret, £18; two ditto, £14; five ditto, £3 14s.; four ditto, £40; two ottoman covers, 87s. 6d.; rug, 15s. 6d.; two stools, 50s.; two ottoman pillows, 90s. ..	..	246	1	8			
Ante-room—							
Lace curtains, £10; two mats, 40s. ..	..	12	0	0			
Dining-room—							
Drugget ..	..	4	12	6			
Housekeeper's room—							
Fender and fire-irons, 35s.; cedar press, £33; floorcloth and hearthrug, 48s. 6d.; table, £8; carpet, 38s. 3d.; table, £6 10s.; two chairs, 29s. 6d.; two chairs, 30s. ..	..	56	11	3			
Butler's room—							
Table, 90s.; carpet, 47s.; two chairs, 29s.; steps, 40s.; sofa, 90s. ..	..	14	16	0			
Pantry—							
Floorcloth and laying, £12 17s. 9d.; refrigerator, £6 ..	..	18	17	9			
Kitchen and passage—							
Floorcloth, £7 13s. 6d.; two mats, 20s. ..	..	8	13	6			
Carried forward ..	..	£	857	9	3		
Carried forward ..	..	£	.....		5,207	6	5

G. No. 1.—*continued.*

		£	s.	d.	£	s.	d.
Brought forward					5,207	6	5
FURNITURE, HANGINGS, CARPETS, &c.— <i>continued.</i>							
Brought forward		857	9	3			
Dressing-room—							
Green baize, and fixing		5	0	6			
Bed-rooms—							
Three green curtains		5	0	0			
Porter's room—							
Small glass		1	2	6			
Pastry-room—							
Floorcloth, £5 12s.; two chairs, 30s.		7	2	0			
Under stairs—							
One cedar chest		3	10	0			
Drawing and ante rooms—							
China matting and laying, £21 11s. 4d.; three Indian carpets, £14 15s. 8d.		36	7	0			
Ball, ante, and dining rooms—							
Drapery to mantelpieces		26	3	9			
Repairing, altering, cleaning, and polishing; taking up, cleaning, and relaying carpets; taking down and refixing curtains; cleaning frames and repairing chimney; repairing and refixing window blinds in building generally		354	9	10			
Cleaning, winding, regulating, and repairing clocks		24	16	0			
					1,321	0	10
RETURNS FURNISHED BY MR. M'CRACKEN.							
Terrace wall		346	8	2			
Basin of fountain		90	1	5			
Verandah		228	2	4			
					6,528	7	3
					664	11	11
					£7,192	19	2

G. No. 2.

THE amounts, £5,783 10s. 7d., for Repairs to Public Buildings, and £384 14s., for Furniture for Public Offices, appearing in the Auditor General's Return (Appendix A. No. 1), include a great number of charges for expenses incurred on account of various public buildings in the years 1861 and 1862. A detail of the whole of these will be furnished by the Auditor General.

The following are the only items in the above-mentioned amounts connected with the Government House or the Government Stables. (These were also included in the Returns appended to Mr. Chapman's Evidence):—

REPAIRS TO PUBLIC BUILDINGS.

	YEAR.	NO. OF VOUCHER.	AMOUNT.	PARTICULARS OF AMOUNT.
Government House	1861	941	£ 86 0 2	W. Harmer, carpenters' work.
	1861	953	232 4 9	J. Goddard, masons' work.
	1861	956	104 4 0	P. N. Russell and Co., kitchen range, &c.
	1861	1030	0 14 6	W. Porter, sweeping chimneys.
	1861	1085	4 14 3	J. Armstrong, brass cleats.
	1861	1115	196 1 7	P. N. Russell and Co., fitting up kitchen.
	1861	1120	5 2 8	Eastway and Son, wirework.
	1861	1139	50 14 9	G. Chisholm and Co., blinds, &c.
	1861	1167	396 17 2	J. Goddard, mason and bricklayers' work.
	1861	1293	34 11 3	W. Penny, smiths' work.
	1861	1303	63 7 3	W. Harmer, carpenters' work.
	1861	1305	26 12 3	W. Renny, painters' work.
	1861	1356	19 9 4	J. Partridge, plumbers' work.
	1861	1358	81 8 0	W. Harmer, carpenters' work.
	1861	1365	45 6 3	J. Goddard, bricklayers' work.
	1861	1396	8 15 1	Ashdown and Co., ironmongery.
	1861	1402	233 12 3	Constable and Turner, gas fittings, &c.
	1862	10	4 3 6	W. Porter, sweeping chimneys.
				£ 1,593 19 0
Government Stables	....	961	1 4 1	W. Harmer, carpenters' work.
	....	1139	4 1 10	Chisholm and Co., matting, &c.
	....	1221	6 1 0	F. R. Robinson, cooking stove.
	....	1293	1 8 8	W. Penny, smiths' work.
	....	1303	11 17 2	W. Harmer, carpenters' work.
	....	1305	7 3 7	W. Renny, painters' work.
	....	1311	15 15 9	J. Goddard, bricklayers' work.
	....	1356	11 1 0	J. Partridge, plumbers' work.
....	1358	9 16 11	W. Harmer, carpenters' work.	
			£68 10 0	

JAMES BARNET,
Acting Colonial Architect.

G. No. 3.

AMOUNTS expended on Public Buildings, forming the sum of £5,783 10s. 7d., shewn in Appendix A. No. 1.

BUILDING.	YEAR.	AMOUNT.			TOTAL.		
		£	s.	d.	£	s.	d.
Colonial Secretary's Office.. .. .	1861	11	19	6			
	1862	1	1	0			
Registry Office	1861				13	0	6
Water Police Office	1861				8	17	2
Sydney Observatory	1861				133	3	8
Protestant Orphan School, Parramatta	1861				7	5	11
Lunatic Asylum, Tarban Creek	1861				2	17	0
Australian Museum.. .. .	1861				43	15	0
Vaccine Institution	1861				31	19	3
Crown Law Offices	1861	157	3	5	1	10	1
	1862	1	1	0			
Supreme Court	1861				158	4	5
Insolvent Court	1861				466	8	2
District Court, Sydney	1861				44	13	3
Treasury	1861				8	2	3
Custom House, Sydney	1861	87	10	4	7	11	5
	1862	1	1	0			
Quarters for Deputy Master of Mint, Dawes' Point	1861	158	9	3	88	11	4
	1862	234	7	9			
General Post Office	1861				392	17	0
Post Office, Moore's Wharf	1861				40	5	0
Government Printing Office	1861				29	12	10
Colonial Stores	1861				279	15	7
Quarantine Station	1861				24	14	10
Landing Waiter's Box, Circular Quay	1861				50	15	9
Tide Waiter's Box, ditto	1861				9	15	0
Signal Station, Fort Phillip	1861				3	6	4
Port Masters's Office	1862				0	4	0
Customs Station, Botany	1861				0	3	0
Lands Office	1861	18	6	10	238	15	11
	1862	0	13	6			
Surveyor General's Office	1861	138	5	0	19	0	4
	1862	1	14	6			
Immigration Barracks, Hyde Park	1861				139	19	6
Botanic Gardens	1861				97	8	1
Upper Lodge, Government Domain	1861				3	3	8
Lower Lodge,	1861				3	16	7
Inner Lodge,	1861				1	13	1
Residence of Superintendent of Police, Carter's Barracks	1861				13	17	1
Mounted Patrol Stables, Carter's Barracks	1861				425	0	3
Public Works Office.. .. .	1861				86	10	7
Department of Internal Communication.. .. .	1861				0	7	6
Colonial Architect's Office.. .. .	1861	41	19	6	1	10	1
	1862	0	13	6			
Auditor General's Office	1861				42	13	0
Hornby Light House	1861				27	6	8
Pilot's Residence, Newcastle	1861				5	2	0
Harbour Master's Residence, Newcastle.. .. .	1861				51	6	8
Boat Shed, Newcastle	1862				19	1	2
Custom House, Eden	1861				2	14	3
Toll House, Camperdown	1861				15	10	0
Quarters of Superintendent of Mounted Patrol, Goulburn	1861				8	0	3
Mounted Patrol Station, Hartley	1861				32	11	9
Mounted Patrol Station, Diamond Swamp	1861				27	16	0
Mounted Patrol Stables, Bathurst	1861				71	19	0
Police Stables, Hargraves	1861				10	0	0
Police Paddock, Windsor	1861				12	0	0
Fencing Police Paddock, Campbelltown.. .. .	1861				12	4	6
Government Stables, Armidale	1861				9	0	0
Court House, Grafton	1861				2	0	0
Court House, Newcastle	1861	3	2	6	0	10	0
	1862	21	15	0			
Court House, Wellington	1862				24	17	6
" Campbelltown	1862				1	0	0
" Glen Innes	1862				1	12	0
" Raymond Terrace	1861				1	10	0
" Eden	1861				1	16	0
" Bega	1861				9	0	0
" Braidwood	1861				9	0	0
" Goulburn	1861				1	0	0
" East Maitland	1861				11	12	6
" Gosford	1861				0	12	6
" Dungog	1861				4	0	0
" Tamworth	1861				1	0	0
" Cooma	1861				3	0	0
Carried forward .. .. .	.....				3,299	15	8

G. No. 3.—*continued.*

BUILDING.	YEAR.	AMOUNT.	TOTAL.
		£ s. d.	£ s. d.
Brought forward.. .. .	....	.....	3,299 15 8
Court House, Darlinghurst	{ 1861 1862	542 15 1 0 13 6	543 8 7
Watch House, Darlinghurst	1861	.....	0 8 6
Court and Watch House, Stroud	1861	.....	67 0 0
Lock-up, Merriwa	1861	.....	1 0 0
" Picton	1861	.....	2 8 0
Watch House, Three Rivers	1862	.....	0 10 6
" Jugiong	1861	.....	7 0 0
" Cumberland-street	1861	.....	26 8 7
Police Office and Lock-up, Panbula	1862	.....	2 8 1
Gaol, Sydney	1862	.....	1 7 0
" Tamworth	1861	.....	1 2 6
Lock-up, Braidwood	1861	.....	0 5 0
" Camden	1861	.....	0 10 0
Court House and Lock-up, Tumut	1861	.....	60 0 0
" " Yass	{ 1861 1862	1 5 0 8 11 0	9 16 0
Watch House and Gaol, North Gundagai	1861	.....	9 0 0
Wages to carter, for Public Buildings generally—removing and carting old materials, rubbish, ashes, &c. .. .	{ 1861 1862	46 8 0 6 8 0	52 16 0
Wages of labourer, for Public Buildings generally—assisting carter, stacking old materials, &c.	1861	.....	35 17 2
			4,121 1 7
Return already furnished—Government House .. .. .	....	1,593 19 0	
" " Stables .. .. .	....	68 10 0	1,662 9 0
		£	5,783 10 7

JAMES BARNET,
Acting Colonial Architect.

H.

(Supplied by the Auditor General, 4th August, 1863.)

MEMORANDUM.

THE last payment made to or on behalf of Captain Martindale, late Commissioner for Railways and Under Secretary for Public Works, was a sum of £56 9s., being amount of salary for the period between the 1st and the 14th January, 1861—the day on which he left the public service.

Audit Office, Sydney,
4th October, 1863.

W. C. MAYNE,
Auditor General.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PATENTS.

(RETURN OF APPLICATIONS FOR INQUIRY INTO PATENTS OR IMPROVEMENTS.)

Ordered by the Legislative Assembly to be Printed, 13 January, 1864.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 18 October, 1861, That there be laid upon the Table of this House, a Return shewing,—

- “ (1.) The number of applications for inquiry into Patents
“ or Improvements; the number of such cases actually
“ inquired into, after applicants have been notified of the
“ expense of such inquiry.
“ (2.) The name of each Government Officer who has acted
“ on such Commission; the hours of sitting on each occasion;
“ and the gross payment received by each Commissioner
“ during the period of Responsible Government.
“ (3.) The amount of money each applicant has paid for
“ inquiry, specifying the nature of Patent or Improvements
“ sought to be inquired into; and the number of inquiries
“ which have been favourably reported upon.”

(*Mr. Dalgleish.*)

DEPUTY MASTER OF MINT to COLONIAL SECRETARY.

*Royal Mint,
Sydney, 18 July, 1862.*

SIR,

With reference to your letter of the 16th instant, relative to a return of applications for Letters of Registration, I have the honor to inform you that I have kept no record of the “ hours of sitting on each occasion.” My practice on receiving these applications has been first to investigate by myself the claims of the applicant, then to forward the papers for similar action on the part of my colleague, and finally, on both being prepared, to meet him, if necessary, to decide on the report.

One case led to a correspondence, which extended over nine months, and was not decided until counsel for and against the applicant had argued the case before the Commissioner. Other cases have been decided in a few hours.

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

LETTERS OF REGISTRATION.

No.	Name of Applicant.	Nature of Patent or Improvement.	Number of Cases actually inquired into.	Number of inquiries favourably reported.	Hours of sitting on each occasion.	Names of Government Officers who acted on the Board or Commission.	Gross payment received by each Member of the Board or Commissioner.	Amount paid by each Applicant.
1	George Alfred Lloyd, for Thomas Dickerson Rotch.	Improved method of making soap.	Sixty-two.	Sixty....	No record.	Application unnecessary.	£ s. d.	£ s. d. 20 0 0 (refunded.)
2	George W. Earl, for Hiram Berden.	Improvements in machinery for pulverizing, washing, and amalgamating auriferous and other ores.				G. K. Mann	3 3 0	20 0 0
3	Christopher Kingsford..	Machine for compressing and solidifying peat, coal, &c.				G. K. Mann	3 3 0	20 0 0
4	Lue Mace	Perpetual solar watch				H. H. Browne ..	3 3 0	20 0 0
5	Thomas Oulham and Jacob Braché.	Portable prospector for searching auriferous lands and for geological surveys.				G. K. Mann	3 3 0	20 0 0
6	Edmund Morewood and George Rogers, by E. C. Weekes.	Improvements in the manufacture of iron into sheets, plates, or other forms, in coating iron and preparing it for coating, &c.				H. H. Browne ..	3 3 0	20 0 0
7	Albert De Launay	A machine called "La Machine Joffriand."				G. K. Mann	3 3 0	20 0 0
8	Thomas Woore	Mechanical contrivance for burning wood for heating apartments.				H. H. Browne ..	3 3 0	20 0 0
9	R. L. P. Manning	Self-acting propellor				Capt. Ward	3 3 0	20 0 0
10	Charles F. P. Funcke..	Improvements in tanning skins and hides.				G. K. Mann	3 3 0	20 0 0
11	Simon Zollner	Water filter				Capt. Ward	3 3 0	20 0 0
12	Edward Knox, Daniel Cooper, William Fanning, and Walter Lamb	Improvements in machinery, &c., employed in manufacture of sugar.				Capt. Martindale	3 3 0	20 0 0
13	Benjamin Hards and James Leverett.	Improvements in manufacture of saddle-trees, saddles, &c.				Capt. Ward	3 3 0	20 0 0
14	Frederick S. Pepper-corne.	Automatic engine				Capt. M'Lerie ..	3 3 0	20 0 0
15	Ralph M. Robey	Mr. Gerd. J. Benson's improvements in refining sugar.				Capt. Ward	3 3 0	20 0 0
16	Ralph M. Robey	Mr. Gerd. J. Benson's improvements in drying sugar.				Capt. Ward	3 3 0	20 0 0
17	James Craig.....	Machine for reaping and dressing corn.				Capt. Ward	3 3 0	20 0 0
18	Herbert Macworth	Improvements in the separation and treatment of mineral substances; and in cooking, and in apparatus connected therewith.				Capt. Martindale	3 3 0	20 0 0
19	Conrad W. Finzel	Improvements in processes and machinery employed, &c., in manufacture of sugar.				Capt. Ward	3 3 0	20 0 0
20	James Hart	Improvements in puddling or washing earthy matters so as to obtain gold therefrom, and in amalgamating metals, and in working stamps for stamping ores.				G. K. Mann	3 3 0	20 0 0
21	George Bate.....	Construction of wood and iron bridges, and girders for bridges, &c.				Capt. Ward	Nil.*	
22	David Wilkinson.....	Obtaining gold from quartz and other silicious matter.				Capt. Martindale	Nil.*	
23	Francis P. Mansfield & Cyrus Hewitt.	Improvements in extracting stumps of trees, and in pulling down trees.				G. K. Mann	3 3 0	20 0 0
24	John H. Athens	Improvements in construction of flat irons.				J. Whitton	3 3 0	20 0 0
25	Bernard Josephson....	Manufacturing gas.....				E. O. Moriarty..	3 3 0	20 0 0
26	Minor King	Improvements in machinery for crushing quartz and other ores.				Capt. Ward	3 3 0	20 0 0
27	Beran G. Sloper	Machinery for refrigeration and the making of ice.				Capt. Ward	3 3 0	20 0 0
28	Edward Teillard and Eugene Dominique Nicolle.	Improved mode of constructing sun blinds.				Capt. Ward	3 3 0	20 0 0
29	Edward P. Capper	Improved well-bucket and lifting gear.				Colonial Architect.	3 3 0	20 0 0
30	Richard Goulding	Improvements in the extraction of gold and silver, and other metals.				Capt. Ward	3 3 0	20 0 0
31	Willis Humiston.....	Improvements in machinery for making mould candles.				E. O. Moriarty..	3 3 0	20 0 0
			G. K. Mann	3 3 0	20 0 0			

* The established fee not having been paid into the Colonial Treasury the Letters of Registration were not granted.

PATENTS.

3

No.	Name of Applicant.	Nature of Patent or Improvement.	Number of Cases actually inquired into.	Number of inquiries favourably reported.	Hours of sitting on each occasion.	Names of Government Officers who acted on the Board or Commission.	Gross payment received by each Member of the Board or Commissioner.	Amount paid by each Applicant.
							£ s. d.	£ s. d.
32	Richard H. Jeffreys ..	Cutting off or extinguishing of gas by means of the electric magnet.	Sixty-two.	Sixty	No record.	E. O. Moriarty..	3 3 0	20 0 0
33	Thomas Chuck	Of springs for beds, &c.				Capt. Ward	3 3 0	20 0 0
34	Peter Nicol Russell and John Russell.	Improvements in stones				E. O. Moriarty..	3 3 0	20 0 0
35	Samuel Lucas.....	Machine for washing earth in an improved manner applicable as a gold-washing machine.				Capt. Ward	3 3 0	20 0 0
36	Thomas Sutherland ..	Improvements in milling and dressing rice.				E. O. Moriarty..	3 3 0	20 0 0
37	Frederick S. Peppercorn	Employment of atmospheric power for compressing, lifting, or giving motion to machinery.				Capt. Ward	3 3 0	20 0 0
38	John Walter Osborne..	Improvements in obtaining lithographic impressions by aid of photography.				E. O. Moriarty..	3 3 0	20 0 0
39	George Jaques.....	An improved preparation of tobacco for destroying vermin, and removing certain cutaneous diseases upon sheep and other animals.				Capt. Ward	3 3 0	20 0 0
40	W. A. D. Anderson....	Improvement in manufacture of pipes.				Capt. Ward	3 3 0	20 0 0
41	Benjamin B. Thayer by Deyter Bingham.	Machine for amalgamating gold and silver ores.				E. O. Moriarty..	3 3 0	20 0 0
42	Edward Bell.....	Improvements in railways and in locomotive engines to be used thereon.				Capt. Ward	3 3 0	20 0 0
43	John W. Chapman, Charles Chapman, and George Chapman.	Oscillating corrugated Gold Amalgamator.				E. O. Moriarty..	3 3 0	20 0 0
44	Thomas B. Hall and William M. Alderson.	Improvements in saddles, for the purpose of breaking-in horses.				J. Whitton	3 3 0	20 0 0
45	John M'Culloch	Improvements in the reduction of ores.				E. O. Moriarty..	3 3 0	20 0 0
46	Charles Newbold.....	Manufacture of vessels, &c., and machinery and apparatus to be employed therewith.				Capt. Ward	Nil.	20 0 0
47	Charles J. C. Perry....	Anti-collision dial and shipwreck preventor.				Capt. Ward	3 3 0	20 0 0
48	James Harrison	Refrigerating by the co-operation of volatile liquids <i>in vacuo</i> , and the continuous condensation and re-cooperation of the same materials.				Mr. H. H. Browne	3 3 0	20 0 0
49	Wm. Withers Ewbank	Improvements in the manufacture of gas when oils and fatty matter are used, and in applying the refuse obtained in such manufacture to a useful purpose.				Capt. Ward	3 3 0	20 0 0
50	Thomas Chester	Invention of a winch.....				Capt. Ward	3 3 0	20 0 0
51	Messrs. Randle, Loader, and Elsdon.	A new mode of transporting passengers through public thoroughfares, and in the apparatus connected therewith.				E. O. Moriarty..	3 3 0	20 0 0
52	J. R. Davies.....	Improvements in the construction and making of engines, carriages, &c., propelled or drawn on any line of rail.				Capt. Ward	3 3 0	20 0 0
53	Horatio Appleton	A new and useful machine for breaking stones for roads, &c., and other purposes.				Mr. Whitton....	3 3 0	20 0 0 refunded £13 14s.
54	Wm. Hickling Burnett	Improvements in electric telegraph, and in apparatus employed therewith, a part of which improvement is applicable to the winding of clock-work.				Capt. Ward	3 3 0	20 0 0
55	John Danglish.....	Improvements in the method of preparing and applying carbonic acid gas for the purpose of raising or rescuitating dough.				E. C. Cracknell	3 3 0	20 0 0
56	Messrs. Goulding and Sheppard.	Invention in extracting gold, silver, and other metals from their own ores and matrices.				Capt. Ward	3 3 0	20 0 0
57	Frederick Grosse and Rudolph Jenny.	A process termed Bismuthography, for producing and drawing on metals in relief to print from the type-printing machine.				Dr. Greenup ..	3 3 0	20 0 0
						Dr. Greenup ..	3 3 0	20 0 0

No.	Name of Applicant.	Nature of Patent or Improvement.	Number of Cases actually inquired into.	Number of inquiries favourably reported.	Hours of sitting on each occasion.	Names of Government Officers who acted on the Board or Commission.	Gross payment received by each Member of the Board or Commissioner.	Amount paid by each applicant.
58	Edward Bell	An improvement in the machinery and apparatus for transporting and conveying passengers, goods, &c., upon or along railways, and in the use of the same.	Sixty-two.	Sixty....	No record.	Capt. Ward	£ s. d. 3 3 0	£ s. d. 20 0 0
						Mr. Whitton	3 3 0	
59	James M'Leerie	An improvement in the manufacture of a three-wheeled vehicle.				Capt. Ward	3 3 0	20 0 0
60	Jean Baptiste Mangelin and Gustave Adrien Couillard.	Apparatus for softening, mixing, and moulding materials for the manufacture of artificial fuel, bricks, &c.				Capt. Ward	3 3 0	20 0 0
						Dr. Greenup....	3 3 0	
61	Thomas Woore	1. A new method of constructing timber bridges. 2. Laying down rails for railways.				Capt. Ward	3 3 0	40 0 0
			Mr. Whitton....	3 3 0	refunded £13 14s.			
62	Eugene Dominique Nicolle and Richd. Dawson.	A new and improved method of manufacturing ice.				Capt. Ward	3 3 0	20 0 0
						Dr. Greenup....	3 3 0	
63	Samuel Reutsch and John Rigg.	Planing stone				Captain Ward ..	3 3 0	20 0 0
64	John Korff	A ship fire main and revolving branch, for extinguishing fires on board ships.				Captain Ward ..	3 3 0	20 0 0
						E. O. Moriarty..	3 3 0	

Number of applications for inquiry into Patents or Improvements, 64.*

Number of such cases actually inquired into after applicants have been notified of the expense of such inquiry, 62.

Name of each Government Officer who has acted on such Commission:—Mr. G. K. Mann, Mr. H. H. Browne, Captain Ward, Captain Martindale, Captain M'Leerie, Mr. Whitton, Mr. E. O. Moriarty, Mr. Dawson, Mr. Cracknell, Dr. Greenup.

The hours of sitting on each occasion:—No record. (*See letter from Captain Ward, 18 July, 1862.*)

Gross payment received by each Commissioner during the period of Responsible Government:—Mr. G. K. Mann, £15 15s.; Mr. H. H. Browne, £3 3s.; Captain Ward, £154 7s.; Captain Martindale, £18 18s.; Captain M'Leerie, £6 6s.; Mr. Whitton, £18 18s.; Mr. E. O. Moriarty, £40 19s.; Mr. Dawson, £3 3s.; Mr. Cracknell, £3 3s.; Dr. Greenup, £16 3s.

The amount of money each applicant has paid for inquiry:—(*See column 9 of preceding return.*)

Nature of patent or improvement sought to be inquired into. (*See column 3 of preceding return.*)

* Every person desirous of obtaining Letters of Registration is required by the Act 16 Vic., No. 24, to deposit a sum of £20 with the Colonial Treasurer before making the application.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SUPERANNUATION BILL.
(MESSAGE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 30 September, 1863.

JOHN YOUNG,
Governor.

Message, No. 7.

In accordance with the 54th clause of the Constitution Act, the Governor recommends to the Legislative Assembly to make provision for granting a sum of Money in aid of a Public Service Superannuation Fund.

*Government House,
Sydney, 30 September, 1863.*

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SECURITIES GIVEN BY PUBLIC SERVANTS.

(FINANCIAL DEPARTMENTS.)

Ordered by the Legislative Assembly to be Printed, 23 June, 1863.

RETURN (in part) to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 29th August, 1862, That there be laid upon the Table of this House,—

“ A Return of all Persons in the Government Service who
 “ have been required to give Security, with Sureties, stating
 “ the office held by each person respectively, the date of
 “ each appointment, the amount of sureties required in each
 “ case, the names of the sureties, and when the sureties in
 “ each case were entered into; and of those who have not
 “ yet completed their bonds.”

(*Mr. Holroyd.*)

SECURITIES GIVEN BY PUBLIC SERVANTS.

A RETURN of all Persons in the FINANCIAL DEPARTMENTS of the GOVERNMENT who have been required to give Security; shewing the Office held by each Person respectively; the Date of each Appointment; the Amount of Sureties in each case; the Names of the Sureties; and when the Bonds, in each case, were entered into.

SITUATION.	NAME.	DATE OF APPOINTMENT.		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount.	Particulars.		
TREASURY.							
Under Secretary	Henry Lane	4 Nov., 1839 ..	1 Sept., 1856 ..	10,000	Self, £5,000—two sureties, £2,500 each	Edward Flood and Andrew Lenehan ..	30 Sept., 1856.
Accountant	John Wells	1 Sept., 1837 ..	1 Jan., 1850 ..	2,000	Self, £1,000—two sureties, £500 each	Edward Flood and Thomas Cowlshaw ..	6 Nov., 1858.
Chief Clerk, Pay Branch ..	Stephen Greenhill ..	27 Oct., 1827 ..	1 Jan., 1843 ..	2,000	Self, £1,000—two sureties, £500 each	Edward Broadhurst and William Spain ..	9 June, 1863.
Principal Clerk, Revenue Branch.	John G. Lennon	30 Oct., 1837 ..	1 Oct., 1859 ..	4,000	Self, £2,000—two sureties, £1,000 each	Edwin Daintrey and William Kirchner ..	9 Nov., 1859.
Clerk	Charles Wilkinson ..	2 May, 1833 ..	2 May, 1836 ..	2,000	Self, £1,000—two sureties, £500 each	George W. Ainsworth and Henry Clarke ..	10 April, 1855.
Do.	William Newcombe ..	1 Feb., 1849 ..	1 Mar., 1855 ..	1,000	Self, £500—two sureties, £250 each	Edward Flood and William Manners Clarke ..	1 Jan., 1863.
Do.	W. H. Platt	22 Oct., 1851 ..	1 July, 1861 ..	600	Self, £300—two sureties, £150 each	R. C. Close and E. C. Close, junr. ..	12 Dec., 1862.
Do.	J. H. O. G. P. Ffrench ..	17 Mar., 1858 ..	17 Mar., 1858 ..	400	Self, £200—two sureties, £100 each	Margaret Lowe and George Brown ..	30 Dec., 1862.
Do.	H. J. S. Bowdler	20 Feb., 1854 ..	1 Mar., 1859 ..	400	Do. do.	European Assurance Society	7 Nov., 1862.
Do.	Thomas Bain	9 June, 1860 ..	9 June, 1860 ..	400	Do. do.	John Dawson and George Attwood ..	10 Dec., 1862.
Do.	Thomas Brennan	28 June, 1857 ..	1 July, 1859 ..	400	Do. do.	Joseph R. Clayton and James Oatley ..	16 Dec., 1862.
CUSTOMS.							
Collector	W. A. Duncan	14 May, 1846 ..	29 April, 1859 ..	6,000	Self and each for £1,500	Daniel Egan, Edward Flood, Andrew Lenehan, and Thomas Courtts.	May, 1859.
Landing Surveyor, and Inspector of Warehouses	W. Cathcart Still ..	16 Sept., 1837 ..	29 April, 1859 ..	500	Self and each	John Brewster and R. A. Hunt	25 July, 1859.
Chief Clerk	W. N. Llewellyn	6 Jan., 1842 ..	1 Jan., 1855 ..	100	Do.	George Thornton and Henry M'Crea	7 Feb., 1863.
2nd Clerk and Cashier ..	J. H. Maddocks	15 Feb., 1843 ..	1 Jan., 1855 ..	100	Do.	John Campbell and William Spain	28 May, 1863.
3rd do.	H. J. Rucker	16 Jan., 1849 ..	1 Jan., 1855 ..	100	Do.	William James and Walter M. Church ..	21 Feb., 1855.
4th do.	John Lane	27 May, 1857 ..	1 July, 1859 ..	100	Do.	Henry Lane and William Hanson	10 Mar., 1859.
5th do.	Richard Kelly	17 Jan., 1854 ..	21 Oct., 1862 ..	100	Do.	Walter M. Church and Robert Adams ..	15 Oct., 1855.
6th do.	J. W. Jenkins	1 Jan., 1855 ..	21 Oct., 1862 ..	100	Do.	John M. Niebel and James Anderson ..	31 Dec., 1861.
7th do.	Alcide Bernon	11 Dec., 1854 ..	21 Oct., 1862 ..	100	Do.	Henry M'Crea and John Viles	20 Mar., 1860.
8th do.	William Bowden	17 April, 1860 ..	21 Oct., 1862 ..	100	Do.	Robert Adams and Richard Leworthy ..	7 Aug., 1860.
9th do.	Malcom M'Taggart ..	5 April, 1860 ..	21 Oct., 1862 ..	100	Do.	William H. Christie and Alexander Berry ..	9 Sept., 1862.
10th do.	Robert Small	3 Aug., 1861 ..	21 Oct., 1862 ..	100	Do.	James Devlin and William Small	5 Feb., 1863.
1st Landing Waiter ..	Edmund Jones	1 April, 1860 ..	1 Sept., 1859 ..	500	Do.	Timothy O'Sullivan Green, and Alfred Raymond Jones.	6 July, 1859.
2nd do.	Thomas Godfrey	28 Feb., 1859 ..	1 Sept., 1859 ..	500	Do.	William Wright and Edward Lane	26 April, 1859.
3rd do.	Augustus Berney	5 Feb., 1855 ..	16 July, 1861 ..	500	Do.	Augustus Gibbs and Miles Nicholson Carter ..	1 Oct., 1857.
4th do.	W. Passmore	22 May, 1853 ..	16 July, 1861 ..	500	Do.	Edward Robertson and Nicholas Giffard ..	1 Oct., 1858.
5th do.	J. E. Turner	19 Sept., 1849 ..	16 July, 1861 ..	500	Do.	Thomas Wingate and William Gritton ..	24 Sept., 1860.
6th do.	J. D. Lankester	25 Feb., 1849 ..	16 July, 1861 ..	500	Self and each	John Campbell and Alexander W. Scott ..	4 May, 1859.
7th do.	A. J. Ormsby	23 Feb., 1857 ..	16 July, 1861 ..	500	Do.	George J. Frankland and John F. R. Whinfield ..	23 June, 1858.
8th do.	W. King	26 Nov., 1852 ..	.. ..	500	Do.	Alexander Black and George Smith	23 Aug., 1859.
8th do.	T. B. Corbett	6 Jan., 1849 ..	16 July, 1861 ..	500	Do.	Alexander Thomson and Edward Wyld ..	16 Oct., 1860.
9th do.	W. A. Hunt	12 July, 1852 ..	16 July, 1861 ..	500	Do.	William Hunt and William H. Aldis	24 Aug., 1859.
10th do.	J. M. Chapman	30 Oct., 1858 ..	16 July, 1861 ..	500	Do.	Charles Chapman and Edward Flood	29 July, 1859.

SECURITIES GIVEN BY PUBLIC SERVANTS.

A RETURN, &c.—Continued.

SITUATION.	NAME.	DATE OF APPOINTMENT		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount.	Particulars.		
CUSTOMS—continued.							
11th Landing Waiter ..	C. E. Gordon ..	4 May, 1853 ..	16 July, 1861 ..	500	Self and each	Archibald Campbell and H. Lumnsdaine ..	5 Mar., 1860.
12th do. ..	Thomas Thompson ..	13 May, 1853 ..	16 July, 1861 ..	500	Do.	William Johnston and Peter Hoffman ..	24 April, 1860.
13th do. ..	Samuel Levy ..	5 Mar., 1860 ..	16 July, 1861 ..	500	Do.	John Levien and Samuel A. Joseph ..	26 Oct., 1860.
14th do. ..	G. Lewis ..	2 Jan., 1857 ..	16 July, 1861 ..	500	Do.	European Assurance Society ..	21 Dec., 1860.
15th do. ..	Clunes G. Reid ..	29 Aug., 1859 ..	16 July, 1861 ..	500	Do.	B. James and Thomas Donaghy ..	16 Aug., 1861.
Tide Inspector and 1st Tide Surveyor.	R. M. Russell ..	11 Feb., 1859 ..	21 Oct., 1862 ..	500	Do.	Bourn Russell and Henry C. Russell ..	13 Oct., 1862.
2nd Tide Surveyor ..	A. Campbell ..	1 Jan., 1852 ..	7 Nov., 1862 ..	500	Do.	George Walker and William T. Pinhey ..	6 Feb., 1862.
3rd do. ..	Michael M'Dermott ..	6 June, 1854 ..	7 Nov., 1862 ..	500	Do.	Jeremiah Moore and William Dolman ..	2 Mar., 1863.
Warehouse Keeper ..	Thomas Fancourt ..	20 Dec., 1847 ..	30 May, 1859 ..	500	Do.	John Fairfax and Charles Nathan ..	22 Sept., 1859.
Locker ..	T. D. M'Kenzie ..	2 Mar., 1857 ..	1 May, 1862 ..	100	Do.	Joseph A. Knight and Francis A. Stephen ..	9 May, 1863.
1st Locker ..	William Munday ..	14 May, 1853 ..	9 Nov., 1860 ..	100	Do.	Michael Chapman and William Cargo ..	11 Sept., 1857.
2nd do. ..	John Cunningham ..	16 May, 1853 ..	9 Nov., 1860 ..	100	Do.	Nicholas Giffard and Patrick Mulronee ..	11 Sept., 1857.
3rd do. ..	William Cummings ..	12 Feb., 1859 ..	9 Nov., 1860 ..	100	Do.	Samuel D. Gordon and Thomas Watson ..	24 Mar., 1859.
4th do. ..	George Brett ..	8 Jan., 1846 ..	9 Nov., 1860 ..	100	Do.	Thomas Wickham and William C. Eldridge ..	5 Oct., 1860.
5th do. ..	William Beck ..	12 Nov., 1853 ..	9 Nov., 1860 ..	100	Do.	James Powell and Charles Roberts ..	15 Dec., 1857.
6th do. ..	J. N. Stabbin ..	20 Dec., 1853 ..	9 Nov., 1860 ..	100	Do.	Nicholas Rowe and Nicholas Giffard ..	28 Sept., 1858.
7th do. ..	Alexander Frazer ..	22 July, 1853 ..	9 Nov., 1860 ..	100	Do.	James D. Jones and Robert Andrews ..	16 Sept., 1857.
8th do. ..	Carden J. Williams ..	20 April, 1857 ..	1 Feb., 1863 ..	100	Do.	Thomas Dangar and James Powell ..	15 May, 1863.
9th do. ..	T. B. Eldershaw ..	14 Feb., 1856 ..	1 Feb., 1863 ..	100	Do.	Finney Eldershaw and John Goodwin ..	21 Sept., 1857.
10th do. ..	John Green ..	1 July, 1857 ..	1 Feb., 1863 ..	100	Do.	Stephen Robens and Joseph Burrows ..	1st May, 1863.
11th do. ..	William Wall ..	19 Feb., 1858 ..	1 Feb., 1863 ..	100	Do.	John Campbell and William Almond ..	26 Mar., 1858.
12th do. ..	William Warburton ..	19 Jan., 1841 ..	1 Feb., 1863 ..	100	Do.	John Warburton and Charles G. Warburton ..	25 June, 1858.
13th do. ..	T. C. Jamison ..	15 July, 1846 ..	1 Feb., 1863 ..	100	Do.	George Uhr and Alexander Thomson ..	28 June, 1861.
14th do. ..	Robert Brock ..	6 Nov., 1860 ..	1 Feb., 1863 ..	100	Do.	John J. Kettle and Thomas May ..	24 Mar., 1862.
15th do. ..	Thomas M'Koy ..	17 Jan., 1859 ..	25 Feb., 1863 ..	100	Do.	David W. Clarkson and Patrick F. M'Kenna ..	16 Mar., 1863.
NEWCASTLE.							
Sub-Collector ..	Charles Bolton ..	1 June, 1837 ..	21 Aug., 1846 ..	1,000	Do.	John Wallace and H. J. V. Greenway ..	6 Jan., 1847.
Landing Waiter (Morpeth) ..	Francis M'Koy ..	11 Oct., 1852 ..	21 Oct., 1862 ..	500	Do.	A. B. Fortus and Henry M'Crea ..	16 June, 1863.
Tide Surveyor ..	Ewan M'Pherson ..	29 Sept., 1854 ..	17 Aug., 1856 ..	500	Do.	H. J. V. Greenway and C. B. Ranclaud ..	20 Nov., 1856.
Clerk ..	A. J. Halcro ..	11 Aug., 1860 ..	11 Aug., 1860 ..	100	Do.	Alexander M'Arthur and John Caldwell ..	9 Aug., 1860.
Do. ..	Pierce Nihill ..	11 July, 1861 ..	11 July, 1861 ..	100	Do.	George Tully and George Berner* ..	21 Aug., 1861.
EDEN.							
Sub-Collector ..	G. P. Keon ..	28 Dec., 1845 ..	20 Sept., 1856 ..	500	Self and each	Francis L. S. Merewether and William E. Plunkett.	8 Sept., 1856.
GRAFTON.							
Sub-Collector ..	C. J. Hamburger ..	26 Aug., 1855 ..	1 July, 1861 ..	500	Do.	William Henry Hamburger and William Leipold ..	26 June, 1861.
Landing Waiter (Laurence) ..	C. B. Dobbin ..	9 May, 1860 ..	3 Aug., 1861 ..	200	Do.	John H. Black and Edward Flood ..	12 Aug., 1861.
RICHMOND RIVER.							
Sub-Collector ..	Thomas Trimble ..	18 Oct., 1859 ..	6 Sept., 1862 ..	500	Do.	Thomas Donaghy and Andrew Trimble ..	1 Oct., 1862.
BROKEN BAY.							
Coast Waiter ..	A. J. Ross ..	16 Feb., 1840 ..	1 Jan., 1855 ..	500	Do.	George Thornton and Walter M. Church ..	2 Jan., 1856.
BOTANY BAY.							
Coast Waiter ..	R. L. Eames ..	26 Aug., 1859 ..	17 Aug., 1860 ..	500	Do.	Richard Sadlier and William Jas. Jenkins ..	28 Aug., 1860.

* Mr. Nihill has submitted the names of new sureties.

SECURITIES GIVEN BY PUBLIC SERVANTS.

A RETURN, &c.—Continued.

SITUATION.	NAME.	DATE OF APPOINTMENT.		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount.	Particulars.		
DISTILLERIES AND SUGAR REFINERIES.							
Chief Inspector	Henry Lumsdaine	1 Dec., 1845 ..	1 Dec., 1859 ..	1,000	Jointly and severally with himself ..	Rev. William Lumsdaine	Not yet executed
Inspector of Distilleries ..	Robert Blake	1 Feb., 1840 ..	1 Jan., 1851 ..	300	Do. do. £100 each, and himself £100 ..	Henry Prince and William C. Greville ..	11 April, 1862.
Do. do.	George H. Barney	14 April, 1855 ..	5 Oct., 1858 ..	300	Do. do. in whole amount	D. C. F. Scott	6 Oct., 1862.
Do. do.	Chas. H. Horsley	18 Sept., 1854 ..	6 Nov., 1860 ..	300	Do. do.	M. Consett Stephen	6 Nov., 1860.
Inspector of Sugar Refineries.	H. R. Smith.. ..	15 May, 1863 ..	15 May, 1863 ..	300	Do. do.	European Assurance Company	19 June, 1863.
Do. do.	J. W. Weekes	15 May, 1863 ..	15 May, 1863 ..	300	Do. do.	Do.	4 June, 1863.
ROYAL MINT.							
None.							
GOLD RECEIVERS.							
None.							
POST OFFICE.							
Postmaster General	W. H. Christie	26 July, 1837 ..	1 May, 1852 ..	1,000	Self, £500—two sureties, £250 each ..	Wm. M'Pherson and Jno. Moore Dillon ..	16 Aug., 1852.
Secretary and Cashier	T. K. Abbott	16 Jan., 1841 ..	15 Sept., 1855 ..	1,000	Do. do.	Benjamin Abbott and Robt. P. Abbott ..	15 Sept., 1855.
Accountant	Jno. Kebble	1 Sept., 1851 ..	1 Sept., 1851 ..	100	Self, £50—two sureties, £25 each ..	John Korff and Richard Sadleir	9 Oct., 1862.
Postal Inspector	Augustus Dillon	1 July, 1853 ..	1 Mar., 1862 ..	100	Do. do.	Nicholas Nugent and Wm. Mackintosh ..	6 Mar., 1854.
Clerk	Nicholas Nelson	1 Feb., 1840 ..	1 July, 1852 ..	100	Do. do.	William Hanson and Geo. F. Pickering ..	19 May, 1863.
Do.	F. W. Hill	5 Aug., 1850 ..	1 Jan., 1855 ..	100	Do. do.	Richard Hill and Daniel Cooper	27 Sept., 1851.
Do. (Cashier)	C. Nightingale	1 May, 1852 ..	1 July, 1863 ..	1,000	Self, £500—two sureties, £250 each ..	W. F. Nightingale and H. R. Webb	6 June, 1863.
Do.	T. W. Levinge	18 Oct., 1851 ..	1 Mar., 1862 ..	100	Self, £50—two sureties, £25 each ..	Wm. Sheridan Wall and Thomas Kenny ..	27 July, 1852.
Do.	W. Buchanan	6 May, 1852 ..	9 Oct., 1862 ..	100	Do. do.	John Buchanan and Thos. Buchanan	5 May, 1852.
Do.	S. H. Lambton	6 Sept., 1852 ..	10 Mar., 1862 ..	100	Do. do.	Wm. Fletcher and Alex. Wm. Purefoy ..	30 Sept., 1852.
Do.	B. C. Bradshaw	8 Feb., 1853 ..	9 Oct., 1862 ..	100	Do. do.	Joseph Nowlan and John M'Cabe	18 Feb., 1853.
Do.	L. G. Thompson	8 Feb., 1853 ..	1 Jan., 1856 ..	100	Do. do.	Catherine Thompson and Wm. Bradley ..	1 Feb., 1853.
Do.	Joseph Biscoe	16 Nov., 1853 ..	1 Oct., 1862 ..	100	Do. do.	Revd. R. Allwood and Revd. A. H. Stephen ..	24 Nov., 1862.
Do.	C. H. Atkinson	1 July, 1853 ..	10 Mar., 1862 ..	100	Do. do.	Merion Moriarty and Edmd. Orpen Moriarty ..	28 Dec., 1853.
Do.	T. L. R. Pierce	23 Sept., 1853 ..	9 Oct., 1862 ..	100	Do. do.	Ed. Tribe and Benjamin B. Boniface	2 Feb., 1855.
Do.	T. H. Stone	1 April, 1854 ..	10 Mar., 1862 ..	100	Do. do.	Richd. Hill and Henry Abbott	5 April, 1854.
Do.	E. T. Parker	1 April, 1855 ..	22 Aug., 1862 ..	100	Do. do.	Charles and George Moore	26 June, 1857.
Do.	W. C. Johnson	1 May, 1859 ..	10 Oct., 1862 ..	100	Do. do.	Wm. Jonathan Johnston and Rd. Johnston ..	25 Nov., 1858.
Do.	A. Day	1 May, 1859 ..	9 Oct., 1862 ..	100	Do. do.	Thomas and William Day	22 Nov., 1858.
Do.	C. B. Cuttriss	17 Oct., 1859 ..	27 Oct., 1861 ..	100	Do. do.	Thomas Cuttriss and Chas. Hy. Lines	21 Jan., 1858.
Do.	E. T. Sayers	23 Mar., 1860 ..	10 Mar., 1862 ..	100	Do. do.	Godfrey Francis Chamberlain and Ed. Goddard ..	5 June, 1860.
Do.	J. Dalgarno	22 Oct., 1860 ..	1 Mar., 1862 ..	100	Do. do.	John Brown Viles and Alfred Cook	20 May, 1862.
Do.	W. Ring	20 Jan., 1854 ..	1 Sept., 1862 ..	100	Do. do.	David Nash and John Bramwell	1 Sept., 1862.
Do.	W. Danne	17 Mar., 1862 ..	22 Aug., 1862 ..	100	Do. do.	John Caldwell and Thos. Abbott	17 Mar., 1862.
Do.	G. J. Ward	14 April, 1862 ..	10 Oct., 1862 ..	100	Do. do.	Archibald Campbell and Danl. Bulman ..	14 April, 1862.
Do.	G. P. Unwin	9 May, 1861 ..	9 Oct., 1862 ..	100	Do. do.	Anne King Unwin and Wm. Hy. A. Hirst ..	27 May, 1862.
Do.	J. M'Mahon.. ..	13 Mar., 1858 ..	22 Aug., 1862 ..	100	Do. do.	Ed. Samucll and James Carroll	23 Mar., 1858.

SECURITIES GIVEN BY PUBLIC SERVANTS.

A RETURN, &c.—Continued.

SITUATION.	NAME.	DATE OF APPOINTMENT.		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount.	Particulars.		
POST OFFICE—continued.							
				£			
Clerk	W. J. Davies	15 May, 1862 ..	10 Oct., 1862 ..	100	Self, £50—two sureties, £25 each ..	Henry Lane and John Wells	14 May, 1862.
Do.	T. Y. Harle	10 Oct., 1862 ..	21 Dec., 1862 ..	100	Do. do.	Duncan M'Phee and Michl. M. Chapman ..	24 Nov., 1862.
Do.	R. H. Cantor	28 Oct., 1862 ..	28 Oct., 1862 ..	100	Do. do.	John Lane and Robt. M. Russell	6 Nov., 1862.
Do.	E. Farr	21 Dec., 1862 ..	21 Dec., 1862 ..	100	Do. do.	Ralph Hutchinson and Wm. Baulke	4 May, 1863.
Do.	J. Thompson	1 April, 1863 ..	1 April, 1863 ..	100	Do. do.	Archibald Thompson and Jas. Davison ..	13 May, 1863.
Do.	W. Haylock	28 April, 1863 ..	28 April, 1863 ..	100	Do. do.	Thomas B. Haylock and C. Haylock	20 May, 1863.
Stamper and Sorter	E. Flynn	1 July, 1856 ..	1 May, 1862 ..	100	Do. do.	James Turner and Ed. Constable	30 July, 1856.
Opener and Tier	T. Balderstone	1 July, 1856 ..	21 Jan., 1858 ..	100	Do. do.	Daniel Judd and Thos. Collier	30 July, 1856.
Do.	T. Glasheen	8 Sept., 1858 ..	1 Oct., 1857 ..	100	Do. do.	John Hickie and Morgan O'Neil	28 Sept., 1858.
Do.	W. Barker	1 Oct., 1852 ..	7 May, 1860 ..	100	Do. do.	John Warner and Wm. Riddell	1 Oct., 1852.
Newspaper Sorters..	D. M'Kennery	1 Jan., 1858 ..	1 July, 1858 ..	100	Do. do.	Wm. Crawford and Roger M'Namara	6 Jan., 1858.
Do.	B. Dewson	12 May, 1859 ..	18 Aug., 1859 ..	100	Do. do.	Fredk. Reyling and Abram. Chapman	1 July, 1859.
Do.	T. S. L. Vogan	26 June, 1857 ..	1 July, 1860 ..	100	Do. do.	Robert Patrick and Alexr. Fyfe	29 June, 1857.
Do.	G. Crerar	4 Mar., 1861 ..	17 Mar., 1861 ..	100	Do. do.	James Milne and Duncan Campbell	2 April, 1861.
Do.	W. Doolan	7 May, 1860 ..	17 May, 1862 ..	100	Do. do.	Thos. Baynes and Jeremiah O'Callaghan ..	28 May, 1860.
Letter Carriers ..	D. M'Grath	21 Oct., 1850 ..	18 May, 1851 ..	100	Do. do.	Henry Daly and John Connell	1 Sept., 1851.
Do.	A. Mooney	13 Sept., 1852 ..	13 Sept., 1852 ..	100	Do. do.	P. Mooney and M. Higgins	13 Sept., 1852.
Letter Carrier, Sydney	G. Ginnery	17 Mar., 1853 ..	17 Mar., 1853 ..	100	Self, £50—two sureties, £25 each ..	John Campbell and Wm. R. Piddington ..	9 Jan., 1861.
Do. do. do.	M. Finnerty	1 Jan., 1854 ..	1 Jan., 1854 ..	100	Do. do.	James Martin and Maurice Reynolds	24 Jan., 1854.
Do. do. do.	T. M'Grath	20 Jan., 1854 ..	1 Nov., 1854 ..	100	Do. do.	Michl. Doyle and Joseph Pope	9 Mar., 1854.
Do. do. do.	J. Baird	1 Nov., 1856 ..	1 Jan., 1857 ..	100	Do. do.	John Mills and John Barlow	20 May, 1863.
Do. do. do.	R. Baird	6 Dec., 1856 ..	12 Mar., 1858 ..	100	Do. do.	T. K. Abbott and Chas. Logue	21 May, 1863.
Do. do. do.	A. S. Appleton	13 Mar., 1858 ..	13 Mar., 1858 ..	100	Do. do.	Wm. Hy. Wyatt and Hugh Davis	30 Mar., 1858.
Do. do. do.	W. E. Madden	27 Mar., 1858 ..	27 Mar., 1858 ..	100	Do. do.	Charles Bovis and Chas. Manghen	25 May, 1863.
Do. do. do.	A. P. Williams	1 July, 1858 ..	1 July, 1858 ..	100	Do. do.	Ralph Hutchinson and Jno. Greer	5 July, 1858.
Do. do. do.	R. Condell	1 Nov., 1858 ..	9 Oct., 1859 ..	100	Do. do.	Hy. Rd. Webb and Jno. Flavell	6 April, 1859.
Do. do. do.	M. Hartigan	1 Oct., 1857 ..	1 July, 1860 ..	100	Do. do.	Patk. Glynn and Jas. M'Mahon	7 Sept., 1858.
Do. do. do.	J. Eve	9 Oct., 1859 ..	7 May, 1860 ..	100	Do. do.	Eyre Goulburn Ellis and Wm. Smith	29 Oct., 1859.
Do. do. do.	T. Pennington	10 June, 1858 ..	1 Nov., 1858 ..	100	Do. do.	Geo. Keedle and Robt. Taylor	18 Nov., 1858.
Do. do. do.	J. Smith	1 Nov., 1853 ..	1 July, 1860 ..	100	Do. do.	Joseph Cashin and Joseph Smith	1 July, 1859.
Do. do. do.	E. Quinn	17 April, 1861 ..	17 April, 1861 ..	100	Do. do.	M. Sullivan and Thos. M'Gill	29 April, 1861.
Shipping Officer ..	T. M'Mahon	1 Mar., 1845 ..	1 May, 1852 ..	100	Do. do.	Geo. A. Lloyd and Robt. T. Ford	1 Sept., 1851.
Messenger	A. Porter	4 Mar., 1858 ..	1 Dec., 1858 ..	100	Do. do.	Charles Nightingale and R. A. Hunt	10 June, 1863.
Do.	J. Dickson	1 July, 1860 ..	1 July, 1860 ..	100	Do. do.	James Butler and Patrick Reilly	21 June, 1860.
Do.	H. Harding	1 July, 1860 ..	1 July, 1860 ..	100	Do. do.	George Williams and Wm. Barker	13 May, 1863.
Do.	J. Collins	17 Mar., 1862 ..	17 Mar., 1862 ..	100	Do. do.	Andrew Bell Armstrong and David Smart ..	17 May, 1862.
Do.	T. Marquies	1 April, 1861 ..	1 April, 1863 ..	100	Do. do.	Patk. Hill Osborne and Arthur T. C. Dumeresq	15 April, 1861.
Mailboy	M. M'Donnell	1 Aug., 1861 ..	1 Aug., 1861 ..	100	Do. do.	Jas. O'Neil and Ed. Gallagher	15 Oct., 1861.
Do.	J. Cain	17 April, 1861 ..	17 April, 1861 ..	100	Do. do.	Thomas Cain and Nicholas Ryan	8 Nov., 1861.
Officekeeper	M. Finnerty	1 Aug., 1855 ..	1 Aug., 1855 ..	100	Do. do.	Robt. A. Hunt and Joshua R. Treeve	16 Oct., 1861.
Night Watchman ..	J. Glynn	1 Feb., 1855 ..	1 Feb., 1855 ..	100	Do. do.	Timothy M'Grath and Jas. Clinton	3 Feb., 1855.
Mail Guard	J. Vigors	1 July, 1854 ..	1 July, 1854 ..	100	Do. do.	Wm. Dudding and Philip D. Vigors	1 July, 1854.
Do.	A. C. Button	1 April, 1862 ..	1 April, 1862 ..	100	Do. do.	Hy. Wilfred Ellis and J. Chambers	1 April, 1861.
Glebe Letter Carrier	J. Dunkin	27 Mar., 1858 ..	1 Nov., 1858 ..	100	Do. do.	Thos. Wickham and Alex. W. Mihell	19 April, 1858.
Camperdown do.	A. Matchett	1 Nov., 1858 ..	1 Nov., 1858 ..	100	Do. do.	James Perry and Benjn. Frincott	18 Nov., 1858.

SECURITIES GIVEN BY PUBLIC SERVANTS.

A RETURN, &c.—Continued.

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SITUATION.	NAME.	DATE OF APPOINTMENT.		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount.	Particulars.		
POST OFFICE—continued.							
				£			
Newtown Letter Carrier	J. Higham	1 Nov., 1858	1 Nov., 1858	100	Self, £50—two sureties, £25 each	John Armstrong and Wm. Brady	18 Nov., 1858.
Bedfern do.	T. King	27 Mar., 1857	1 Nov., 1853	100	Do. do.	Edward Norris and John Jones	27 Mar., 1857.
Paddington do.	G. Smith	17 July, 1856	1 July, 1860	100	Do. do.	Richd. Howden and Jas. Mann	31 Oct., 1859.
Balmain do.	L. Butler	1 Nov., 1858	7 Mar., 1859	100	Do. do.	Thomas Collier and John Logan	18 Nov., 1858.
St. Leonards do.	H. Stephens	1 Feb., 1862	1 Feb., 1862	100	Do. do.	John Jones and Daniel M'Glency	11 Feb., 1862.
Parramatta do.	S. S. Sandon	1 July, 1860	1 July, 1860	100	Do. do.	Richd. Harpur and Jas. Urquhart	13 Aug., 1860.
Windsor do.	T. Cambridge	18 April, 1861	18 April, 1861	100	Do. do.	Wm. Perry, junr., and Jas. Gough	29 April, 1861.
Mudgee do.	D. Lynch	1 Feb., 1862	1 Feb., 1862	100	Do. do.	Saml. Hayes and John Smith	7 Feb., 1862.
Bathurst do.	T. Hollohan	1 Nov., 1852	1 Nov., 1852	100	Do. do.	Richd. Machattie and Jas. Fitzpatrick	9 June, 1862.
Goulburn do.	T. Rushforth	15 Jan., 1857	15 Jan., 1857	100	Do. do.	Wm. Sowerby and John J. Roberts	21 Jan., 1857.
Newcastle do.	J. Burton	1 Jan., 1857	21 Mar., 1857	100	Do. do.	James Jones and Wm. Griffith	2 Jan., 1851.
Morpeth do.	J. Booker	1 Nov., 1853	7 May, 1860	100	Do. do.	John F. Goodwin and John B. Crisp	10 Aug., 1853.
East Maitland do.	C. Ramsay	8 June, 1860	8 June, 1860	100	Do. do.	Thos. Wilkie Robinson and Joseph Chambers	12 June, 1860.
West Maitland do.	H. Sims	21 April, 1857	21 April, 1857	100	Do. do.	Arthur Else and Patrick Walsh	15 April, 1857.
Singleton do.	J. Hill	16 Mar., 1863	16 Mar., 1863	100	Do. do.	W. Rotton and Wm. Carty	4 June, 1863.
Woolhara do.	H. Williams	14 July, 1856	1 April, 1863	100	Do. do.	Geo. Lane and Nicholas Robinson	2 Aug., 1859.
Official Postmaster—							
Albury	G. L. Coleman	1 Sept., 1862	1 Sept., 1862	400	Self, £200—two sureties, £100 each	Thomas Icely and Thos. H. Mate	1 Sept., 1862.
Armidale	J. W. Emblin	15 Oct., 1862	15 Oct., 1862	400	Do. do.	John Moore and Joseph Scholes	22 Oct., 1862.
Bathurst	Wm. Thompson	1 Dec., 1848	1 Sept., 1862	400	Do. do.	Henry M. Fulton and Ed. Webb	1 July, 1862.
Campbelltown	John Boag	4 Feb., 1863	4 Feb., 1863	400	Do. do.	John Hurley and John Lakeman	18 Mar., 1863.
Deniliquin	G. M. White	1 Sept., 1862	1 Sept., 1862	400	Do. do.	Jeremiah Brice Rundle and Wm. B. Walford	1 Sept., 1862.
East Maitland	R. Brown	8 May, 1862	1 Sept., 1862	400	Do. do.	Alexr. Woods and Jas. N. Brunker	8 May, 1862.
Forbes	H. Atkins	1 Dec., 1854	1 Sept., 1862	400	Do. do.	Marmaduke Constable and Thos. Taylor	12 Dec., 1862.
Goulburn	J. Scowcroft	7 Sept., 1861	1 Sept., 1862	400	Do. do.	Joseph Bull, senr., and Thos. Musgrave	1 July, 1862.
Mudgee	A. Carton	11 Oct., 1862	11 Oct., 1862	400	Do. do.	Thos. Hy. Sindon and John Healy	12 Feb., 1863.
Newcastle	W. Thompson	30 June, 1855	1 Sept., 1862	400	Do. do.	James M. Merrington and Wm. Hy. White	1 July, 1862.
Parramatta	J. Wickham	1 Sept., 1844	1 Sept., 1862	400	Do. do.	James Howison and Chas. B. Lyons	1 July, 1862.
Penrith	F. A. Kellett	5 April, 1860	1 Sept., 1862	400	Do. do.	Richard William Cox and George Cox	1 July, 1862.
Singleton	T. Baker	1 Sept., 1862	1 Sept., 1862	400	Do. do.	Patrick Huchison and Peter Logan	1 Sept., 1862.
Tamworth	G. Denshire	1 July, 1850	1 Sept., 1862	400	Do. do.	Geo. A. F. Kibble and Wm. D. Cox	1 Sept., 1862.
Windsor	J. A. Dick	1 Sept., 1862	1 Sept., 1862	400	Do. do.	Robt. Dick and David Pye	1 Sept., 1862.
West Maitland	E. B. Daly	18 Feb., 1853	1 Sept., 1862	400	Do. do.	Wm. T. Mitchell and T. Broderick	1 July, 1862.
Wollongong	T. W. Elliott	1 Sept., 1862	1 Sept., 1862	400	Do. do.	W. W. Jenkins and A. F. Wilshire	14 Oct., 1862.
Yass	G. Robinson	1 May, 1857	1 Sept., 1862	400	Do. do.	European Assurance Society	13 Nov., 1862.
Young	A. F. Newman	15 Aug., 1859	1 Mar., 1862	400	Do. do.	Wm. Dean and Jacob M. Emanuel	1 July, 1862.
Assistant to P.M. Forbes	Hy. Murdock	1 May, 1862	1 May, 1862	400	Do. do.	Henry Murdock, junr., and Andrew Allan	1 May, 1862.
" " Young	J. Williamson	13 Oct., 1862	13 Oct., 1862	400	Do. do.	Wm. Lee Bugle and George Page	9 Oct., 1862.
Postmaster—							
Aberdeen	James Tunnell	16 June, 1862	16 June, 1862	200	Self, £100—two sureties, £50 each	William Cundy and James Terry	16 June, 1862.
Adaminaby	George Y. Mould	1 Aug., 1861	1 Aug., 1861	200	Do. do.	Revd. Thos. Druitt and J. C. Merryweather	22 Aug., 1861.
Adelong	Anthony Graham	21 Oct., 1861	21 Oct., 1861	200	Do. do.	Jno. Ronald Paul and Edward Menlove	28 Oct., 1861.
Albion Park	Robert Poffle	1 Nov., 1861	1 Nov., 1861	200	Do. do.	Ebenezer Russell and Wm. Hy. Norris	28 Oct., 1861.
Appin	John Armstrong	1 April, 1857	1 April, 1857	200	Do. do.	Alexander Elliott and Thos. Byrne	9 Mar., 1857.
Ashfield	Wm. Dougan	1 Sept., 1860	1 Sept., 1860	200	Do. do.	Alexander Ross and Wm. Pendall	3 Sept., 1860.
Avisford	Thos. Gorrie	1 Nov., 1857	1 Nov., 1857	200	Do. do.	George Sunn and Jas. Bull Stain	22 Oct., 1857.
Ballalaba	Jas. South	1 April, 1861	1 April, 1861	200	Do. do.	Hugh Wallace and Thos. L. Crommelin	15 April, 1861.

SURETIES GIVEN BY PUBLIC SERVANTS.

A RETURN, &c.—Continued.

SITUATION.	NAME.	DATE OF APPOINTMENT.		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount.	Particulars.		
POST OFFICE—continued.							
Postmaster—							
Balmain	Alexander Chape	16 June, 1857 ..	16 June, 1857 ..	200	Self £100—two sureties, £50 each ..	William Barnett and Hugh Dixon	12 June, 1857.
Balranald	John Cramsie	1 April, 1859 ..	1 April, 1859 ..	200	Do. do. ..	Edward Flood, junr., and Felix Neild Burn	18 June, 1859.
Bandon Grove	Wm. H. Smith	1 Jan., 1858 ..	1 Jan., 1858 ..	200	Do. do. ..	John Irwin and Alexander Smith	19 Dec., 1857.
Barraba	Daniel Sinclair	1 April, 1857 ..	1 April, 1857 ..	200	Do. do. ..	Edward Newton and John Cameron	19 Mar., 1857.
Bateman's Bay	Mary O'Hehir	1 April, 1862 ..	1 April, 1862 ..	200	Do. do. ..	A. Emmott and Stephen Brannix	1 April, 1862.
Baulkham Hills	John M. Kelly	1 April, 1856 ..	1 April, 1856 ..	200	Do. do. ..	M. F. Dunn and E. Tamsett	25 Mar., 1856.
Bega	R. W. Sharp	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Self, £50—two sureties, £25 each ..	Henry Wren and John Dawson	16 Jan., 1863.
Bendemeer	Jas. K. Osborne	1 Oct., 1861 ..	1 Oct., 1861 ..	200	Self, £100—two sureties, £50 each ..	John Dixon and Richd. Dixon	30 Sept., 1861.
Berrima	James Powell	1 Jan., 1851 ..	1 Jan., 1851 ..	400	Self, £200—two sureties, £100 each ..	Francis Breen and Thos. Palmer Galbraith	1 July, 1862.
Bigga	Thos. M'Guinness	3 Jan., 1862 ..	3 Jan., 1862 ..	200	Self, £100—two sureties, £50 each ..	Samuel M'Guinness and Chas. Hearn, junr.	23 Jan., 1862.
Binalong	Miles Murphy	1 July, 1851 ..	1 July, 1851 ..	200	Do. do. ..	James Middleton and John Harris	1 July, 1851.
Binda	Edward Webster	1 Mar., 1855 ..	1 Mar., 1855 ..	200	Do. do. ..	Wm. M'Donald and George M'D. Webster	27 Feb., 1855.
Bingera	Matthew C. White	9 July, 1862 ..	9 July, 1862 ..	200	Do. do. ..	Patrick Read and Joseph Roberts	9 Aug., 1862.
Bishop's Bridge	Terence O'Brien	1 Nov., 1861 ..	1 Nov., 1861 ..	200	Do. do. ..	Samuel Abthorpe and John Gallon	9 Aug., 1862.
Blacktown	Mrs. Spiers	1 Mar., 1863 ..	1 Mar., 1863 ..	100	Self, £50—two sureties, £25 each ..	Sureties not named	Not executed yet.
Blandford	Hy. Asser	1 Aug., 1861 ..	1 Aug., 1861 ..	200	Self, £100—two sureties, £50 each ..	Thomas Greer and Ben. Pithick	19 July, 1861.
Blayney	Thomas Davis	1 April, 1857 ..	1 April, 1857 ..	200	Do. do. ..	John Marsden and Wm. Scott	10 Mar., 1857.
Black Rock	George Gallimore	1 Sept., 1859 ..	1 Sept., 1859 ..	200	Do. do. ..	Charles M'Namara and A. Connors	11 Aug., 1859.
Bodalla	John Emmott	1 May, 1862 ..	1 May, 1862 ..	200	Do. do. ..	Abraham Emmott and Hy. Costen	1 May, 1862.
Bolong	Donald Munro	1 April, 1861 ..	1 April, 1861 ..	200	Do. do. ..	John Ballantyne and Wm. Kennedy	12 April, 1861.
Bombala	Henry Hogarth	1 Feb., 1860 ..	1 Feb., 1860 ..	200	Do. do. ..	John E. Bennett and Hy. Solomon	27 Jan., 1860.
Bong Bong	Mary Higgins	1 Jan., 1861 ..	1 Jan., 1861 ..	200	Do. do. ..	James Smith and Jas. J. Warren	19 Dec., 1860.
Booligall	H. N. Smith	1 Feb., 1863 ..	1 Feb., 1863 ..	100	Self, £50—two sureties, £25 each ..	Thomas Ed. Blewett and Jas. H. Pollard	24 Mar., 1863.
Borehole	Jane Peters	12 May, 1862 ..	12 May, 1862 ..	200	Self, £100—two sureties, £50 each ..	William Lewis and Wm. A. Hutchinson	1 July, 1862.
Botany	Henry Trape	1 Oct., 1861 ..	1 Oct., 1861 ..	200	Do. do. ..	Benjamin Radford and Hy. Saxby	16 Oct., 1861.
Bourke-street	Daniel Law	1 June, 1859 ..	1 June, 1859 ..	200	Do. do. ..	Hy. P. Palser and Wm. Hczlet	30 June, 1859.
Bourke	Joseph Becker	22 July, 1862 ..	22 July, 1862 ..	200	Do. do. ..	Alexander Ross and Wm. Sly	22 July, 1862.
Bowenfels	Wm. Corderoy	1 Oct., 1858 ..	1 Oct., 1858 ..	200	Do. do. ..	George Lee and John Blackman	29 July, 1858.
Bowling Alley Point	John D. Davies	1 May, 1861 ..	1 May, 1861 ..	200	Do. do. ..	Thomas Murphy and Joseph Plonde	16 May, 1861.
Braidwood	Charles Harrison	24 July, 1862 ..	24 July, 1862 ..	400	Self, £200—two sureties, £100 each ..	James Larmer and Wm. John Bennison	24 July, 1862.
Branxton	Duncan H. M'Donald	1 Sept., 1861 ..	1 Sept., 1861 ..	200	Self, £100—two sureties, £50 each ..	Thos. Raisbeck and Alex. Russell	21 Aug., 1861.
Breeza	Fr. R. Ferrier	1 April, 1856 ..	1 April, 1856 ..	200	Do. do. ..	Saml. Cohen and Lewis Wolfe Levy	17 Mar., 1856.
Brookfield	Jno. Thorndike	1 May, 1857 ..	1 May, 1857 ..	200	Do. do. ..	Patrick Jolly and John Walsh	28 April, 1857.
Broughton's Creek	Donald Stuart	1 Oct., 1861 ..	1 Oct., 1861 ..	200	Do. do. ..	Edward Brien and John M'Kenzie	16 Oct., 1861.
Brownlow Hill	Mathew Roberts	1 Aug., 1861 ..	1 Aug., 1861 ..	200	Do. do. ..	William J. Crew and John Grundy	30 July, 1861.
Buckley's Crossing-place	Richard Barnes	1 Jan., 1860 ..	1 Jan., 1860 ..	200	Do. do. ..	Wm. Rutherford and Hy. Jno. Eccleston	15 Feb., 1860.
Bundarra	Michael Hayes	1 Feb., 1862 ..	1 Feb., 1862 ..	200	Do. do. ..	George Markham and Sol. Cohen	29 Jan., 1862.
Rungendore	John Ford	5 May, 1862 ..	5 May, 1862 ..	200	Do. do. ..	Wm. Marsden and A. M'Cluney	5 May, 1862.
Bungonia	Catherine E. Armstrong	12 April, 1862 ..	12 April, 1862 ..	200	Do. do. ..	Richd. Styles and W. A. Strong	12 April, 1862.
Bunyan	John Cullen	1 Jan., 1860 ..	1 Jan., 1860 ..	200	Do. do. ..	John Driscoll and Joseph Woodcroft	24 Nov., 1859.
Burrarorang	Mary Ann Meurant	1 Oct., 1859 ..	1 Oct., 1859 ..	200	Do. do. ..	Patrick Martin and Maurice Hayes	15 Sept., 1859.
Burrowa	John Hurley	1 May, 1856 ..	1 May, 1856 ..	200	Do. do. ..	Michael Coughlin and Jno. Sheahan	11 July, 1856.
Burrendong	Thos. J. Dawson	5 Dec., 1861 ..	5 Dec., 1861 ..	200	Do. do. ..	John Lake and John Blunden	6 Jan., 1862.
Burwood	James A. Pearson	1 Oct., 1861 ..	1 Oct., 1861 ..	200	Do. do. ..	Hy. Moon and Chas. W. C. Hatton	4 Sept., 1861.
Burrier	Peter M'Laren	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Self, £50—two sureties, £25 each ..	James Thomson and Stephen Howe	10 Jan., 1863.
Bankstown	James Shepherd	1 April, 1863 ..	1 April, 1863 ..	100	Do. do. ..	James Thomson and Wm. Ward	13 April, 1863.
Caloola	S. Hosie	1 Feb., 1863 ..	1 Feb., 1863 ..	100	Do. do. ..	George Larnach, senr., and Donald Larnach	12 Feb., 1863.

SECURITIES GIVEN BY PUBLIC SERVANTS.

A RETURN, &c.—Continued.

SITUATION.	NAME.	DATE OF APPOINTMENT.		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount.	Particulars.		
POST OFFICE—continued.							
				£			
Postmaster—							
Camberwell	Thomas S. Hawkins	1 Jan., 1860 ..	1 Jan., 1860 ..	200	Self, £100—two sureties, £50 each ..	Thos. Baldoock and Robt. Haswell	24 Nov., 1859.
Camden	Eliza Pearson	1 Feb., 1852 ..	1 Feb., 1852 ..	400	Self, £200—two sureties, £100 each ..	J. K. Chisholm and Fred. M'Ar. Bowman ..	1 July, 1862.
Camperdown	Jas. Larkin	1 April, 1853 ..	1 April, 1853 ..	200	Self, £100—two sureties, £50 each ..	John Lucas, junr., and J. B. Jones	7 April, 1853.
Cannonbar	N. C. Fayrer	1 Mar., 1863 ..	1 Mar., 1863 ..	100	Self, £50—two sureties, £25 each ..	Not named	Not executed yet.
Canberra	Andrew Wotherspoon ..	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Do. do.	Do.	Do.
Canowindra	N. Daly	15 April, 1863 ..	15 April, 1863 ..	100	Do. do.	Andrew Lynch and Thomas P. Grant	24 April, 1863.
Canterbury	William Slocombe	1 April, 1858 ..	1 April, 1858 ..	200	Self, £100—two sureties, £50 each ..	William Fife and William Rossiter	23 Mar., 1853.
Carcoar	John Whittaker	1 Jan., 1861 ..	1 Jan., 1861 ..	200	Do. do.	John Richards and Wm. Whittaker	7 Mar., 1861.
Carroll	George Walker	1 May, 1859 ..	1 May, 1859 ..	200	Do. do.	Thomas Wollaston and J. W. Cobercroft ..	27 April, 1859.
Casino	Maria Meanly	1 April, 1861 ..	1 April, 1861 ..	200	Do. do.	Francis Summers Hayes and George Sparke ..	24 April, 1861.
Cassilis	M. M'Laren	1 Dec., 1862 ..	1 Dec., 1862 ..	100	Self, £50—two sureties, £25 each ..	Daniel M'Laren, senr., and D. M'Laren, junr. ..	10 Dec., 1862.
Castlereagh	Saml. Y. Burnett	15 Oct., 1861 ..	15 Oct., 1861 ..	200	Self, £100—two sureties, £50 each ..	Alexander Frazer and Robt. Chapman	14 Dec., 1861.
Cathcart	Michael Gerathly	1 Jan., 1860 ..	1 Jan., 1860 ..	200	Do. do.	William Badgery and John Smith	15 Dec., 1859.
Charcoal Creek	William Russell	1 Oct., 1860 ..	1 Oct., 1860 ..	200	Do. do.	Joseph Burrell and Edgar Thurkettle	14 Oct., 1860.
Clarence Town	David Farquhar	Mar., 1844 ..	Mar., 1844 ..	200	Self, £100—two sureties, £50 each ..	Robert Lane and William Lewe	13 Mar., 1844.
Clarence River Heads ..	G. V. James	1 Oct., 1862 ..	1 Oct., 1862 ..	100	Self, £50—two sureties, £25 each ..	John White and W. A. B. Greaves	7 Oct., 1862.
Cobbora	William Martin	1 April, 1862 ..	1 April, 1862 ..	200	Self, £100—two sureties, £50 each ..	George M'Quiggan and Stephen Tuckerman ..	1 April, 1862.
Colo	William H. Gosper	1 Aug., 1861 ..	1 Aug., 1861 ..	200	Do. do.	Thomas Cavanagh and Jas. Gosper	22 Aug., 1861.
Collector	John Simpson	1 Jan., 1850 ..	1 Jan., 1850 ..	200	Do. do.	Chas. H. Massy and Samuel Davis	1 Jan., 1850.
Collie	J. M'Dougall	13 Oct., 1862 ..	13 Oct., 1862 ..	100	Self, £50—two sureties, £25 each ..	Ed. Flood and Thos. Byrne	15 Dec., 1862.
Condobolin	Wm. G. Henderson	4 Nov., 1861 ..	4 Nov., 1861 ..	200	Self, £100—two sureties, £50 each ..	Will. H. Sutter, junr., and R. B. Mitchell ..	18 Nov., 1861.
Coolah	Jno. M'Cubbin	1 Sept., 1861 ..	1 Sept., 1861 ..	200	Do. do.	Allen Anderson and Jas. M'Cubbin	24 Sept., 1861.
Cooma	Chas. Walters	1 May, 1854 ..	1 May, 1854 ..	200	Do. do.	Alexander Montague and J. Hain	12 Nov., 1856.
Coonabarabran	David Cockburn	1 Oct., 1861 ..	1 Oct., 1861 ..	200	Do. do.	Edward Lyons and Alfred Croxon	9 Oct., 1861.
Coonamble	Jos. M'Cullock, senr. ..	1 April, 1860 ..	1 April, 1860 ..	200	Do. do.	David M'Cullock and Jos. Tomkins	8 Mar., 1860.
Copabella	James Robinson	1 May, 1862 ..	1 May, 1862 ..	200	Do. do.	Frederick Smithwick and Rt. Smithwick ..	1 May, 1862.
Cowra	Stephen Alford	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Self, £50—two sureties, £25 each ..	George Campbell and Wm. Hood	31 Dec., 1862.
Cundletown	Thos. Ahronson	1 Feb., 1861 ..	1 Feb., 1861 ..	200	Self, £100—two sureties, £50 each ..	Michael Corbett and Wm. Cross	14 Feb., 1861.
Corowa	James W. Weir	1 Jan., 1862 ..	1 Jan., 1862 ..	200	Do. do.	Robert Copeland and Duncan Logan	12 Feb., 1862.
Crown Flat	Edmund Eaton	1 Oct., 1861 ..	1 Oct., 1861 ..	200	Do. do.	Jno. Moore Sweeny and William B. Bruce ..	16 Oct., 1861.
Cullen Bullen	William Hart	1 July, 1861 ..	1 July, 1861 ..	200	Do. do.	William Russell and Thos. Sheady	27 June, 1861.
Curralubala	John M. Davis	1 Aug., 1861 ..	1 Aug., 1861 ..	200	Do. do.	James Woolfe and Isaac Gorrick	21 Aug., 1861.
Dapto	Thomas Hobbs	1 April, 1852 ..	1 April, 1852 ..	200	Do. do.	Wm. Coleman and Rt. Muriel	29 Mar., 1852.
Delegate	Charles Stuart	1 Jan., 1858 ..	1 Jan., 1858 ..	200	Do. do.	Henry Haydon and Thos. Simpson	11 Dec., 1857.
Denham Court	Annie Miller	1 May, 1862 ..	1 May, 1862 ..	200	Do. do.	John Eccleston and John Hill	1 May, 1862.
Denison Town	John Kerr	1 Jan., 1860 ..	1 Jan., 1860 ..	200	Do. do.	James M'Cubbin and Allen Henderson ..	13 Dec., 1859.
Dingo Creek	William Small	1 June, 1862 ..	1 June, 1862 ..	200	Do. do.	Thos. Gibson and Jas. M'Pherson	1 July, 1862.
Denman	G. A. F. Kibble	29 Mar., 1862 ..	29 Mar., 1862 ..	200	Do. do.	Thos. Loxton and Hy. Nowland	9 April, 1862.
Drungalce	James Bantley	1 April, 1860 ..	1 April, 1860 ..	200	Do. do.	William Crick and Thos. Turner	26 July, 1860.
Dubbo	J. E. Serissier	1 Jan., 1853 ..	1 Jan., 1853 ..	200	Do. do.	Thos. M. Machattie and Colin M'Killop ..	14 July, 1859.
Dundee	Lawrence J. Smith	1 Mar., 1862 ..	1 Mar., 1862 ..	200	Do. do.	Chas. William Gardiner and Elijah Loveday ..	1 Mar., 1862.
Dungog	Thos. Doust, junr. ..	1 April, 1858 ..	1 April, 1858 ..	200	Do. do.	James Cornish, senr., and George Gorton, senr. ..	19 Mar., 1858.
Douglass Park	William Taylor	1 Sept., 1862 ..	1 Sept., 1862 ..	200	Do. do.	Robert Travers Curtis and Wm. Le Messurier ..	1 Sept., 1862.
East Kempsey	Fredk. Litchfield	1 Sept., 1860 ..	1 Sept., 1860 ..	200	Do. do.	Thomas Bradbury and George Boshell	8 Oct., 1860.
Eastern Creek	J. A. Pye	10 April, 1863 ..	10 April, 1863 ..	100	Self, £50—two sureties, £25 each ..	Richard Isles and John Wright	15 April, 1863.
Eccleston	Reuben Sivyer	1 Jan., 1859 ..	1 Jan., 1859 ..	200	Self, £100—two sureties, £50 each ..	George Salls and Solomon Hobson	8 Dec., 1853.
Eden	George Barclay	20 June, 1849 ..	20 June, 1849 ..	400	Self, £200—two sureties, £100 each ..	Hon. Alex. M'Arthur and E. Campbell ..	1 July, 1862.
Ellalong	A. M'Carthy	1 Oct., 1862 ..	1 Oct., 1862 ..	200	Self, £100—two sureties, £50 each ..	Joseph Horadorn and Saml. Cadman	30 Sept., 1862.

SECURITIES GIVEN BY PUBLIC SERVANTS.

A RETURN, &c.—Continued.

25—B

SITUATION.	NAME.	DATE OF APPOINTMENT.		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount.	Particulars.		
POST OFFICE—continued.							
Postmaster—				£			
Emu	Joseph Smyth	1 Aug., 1852 ..	1 Aug., 1852 ..	200	Self, £100—two sureties, £50 each ..	John Rayner and Wm. Lucas	13 April, 1861.
Enfield	Wm. J. Innes	1 July, 1855 ..	1 July, 1855 ..	200	Do. do. ..	George Body and Michael Seale	13 April, 1859.
Euston	F. H. M. Black	1 Nov., 1859 ..	1 Nov., 1859 ..	200	Do. do. ..	Alexander Ross and M. H. Black	16 Dec., 1859.
Evans Plains	Job Boardman	1 Mar., 1862 ..	1 Mar., 1862 ..	200	Do. do. ..	James Cumming and Patrick Booth	1 Mar., 1862.
Emu Ferry	J. W. Fletcher	1 April, 1863 ..	1 April, 1863 ..	100	Self, £50—two sureties, £25 each ..	James T. Ryan and Hy. Bennett	1 April, 1863.
Falconer	Thos. Rae	1 Nov., 1861 ..	1 Nov., 1861 ..	200	Self, £100—two sureties, £50 each ..	James Hutton and John Smith	28 Oct., 1861.
Fish River Creek	Chas. W. Cunynghame	8 May, 1862 ..	8 May, 1862 ..	200	Do. do. ..	Sydney Cunynghame and Jno. Whalan	8 May, 1862.
Five Dock	J. Croker	1 June, 1863 ..	1 June, 1863 ..	100	Self, £50—two sureties, £25 each ..	William Lumsdaine and Wm. Croker	8 May, 1863.
Fordwich	Joseph Clark	1 April, 1859 ..	1 April, 1859 ..	200	Self, £100—two sureties, £50 each ..	George Watts and A. Blaxland	23 Mar., 1859.
Fort Bourke	Robt. M. Hughes	1 Oct., 1860 ..	1 Oct., 1860 ..	200	Self, £100—two sureties, £50 each ..	Charles Edwards and Ed. Jno. Bloxham	17 Feb., 1862.
Frazer's Creek	Robt. Arnott	21 Oct., 1861 ..	21 Oct., 1861 ..	200	Do. do. ..	James Leslie and John Sullivan	11 Nov., 1861.
Frederick's Valley	John B. Favell	1 Feb., 1861 ..	1 Feb., 1861 ..	200	Do. do. ..	William Dale and John T. Lane	13 Feb., 1861.
Frederickton	W. Wilson	1 Mar., 1863 ..	1 Mar., 1863 ..	100	Self, £50—two sureties, £25 each ..	Jas. Cheers and Wm. Walsh	19 Mar., 1863.
Frying Pan	W. C. Knight	1 June, 1860 ..	1 June, 1860 ..	200	Self, £100—two sureties, £50 each ..	George D. Lane and Henry Parsons	30 May, 1860.
Gerringong	Thomas Day	1 Feb., 1860 ..	1 Feb., 1860 ..	200	Do. do. ..	William M'Night and William Lang	20 Jan., 1860.
Ginnenderra	George Harcourt	19 May, 1862 ..	19 May, 1862 ..	200	Do. do. ..	Alfred Harcourt and Thos. Peate	19 May, 1862.
Gladesville	George Buckingham	1 Jan., 1861 ..	1 Jan., 1861 ..	200	Do. do. ..	Edye Manning and John E. Manning	4 Dec., 1860.
Glebe	James Dole	26 July, 1858 ..	26 July, 1858 ..	200	Do. do. ..	Julius Hogarth and John Wood	24 July, 1858.
Glen Innes	John Proctor	15 May, 1862 ..	15 May, 1862 ..	200	Do. do. ..	George Cobley and Saml. Regan	15 May, 1862.
Gloucester	Thos. Lavers	1 June, 1859 ..	1 June, 1859 ..	200	Do. do. ..	William Kearney and John Higgins	5 May, 1859.
Goonoo Goonoo	William Adderton	1 Jan., 1857 ..	1 Jan., 1857 ..	200	Do. do. ..	A. D. Frazer and C. J. Gawthorp	24 Aug., 1859.
Gosford	J. Coulter	13 Dec., 1862 ..	13 Dec., 1862 ..	100	Self, £50—two sureties, £25 each ..	Henry A. Crause and Robt. Creighton	31 Dec., 1862.
Gongolgan	John Baker	1 Oct., 1862 ..	1 Oct., 1862 ..	100	Do. do. ..	W. Baker and Thos. Dawson	Not yet executed
Grafton	Thos. Fisher	1 Nov., 1859 ..	1 Nov., 1859 ..	200	Self, £100—two sureties, £50 each ..	John Frazer and J. B. Holdsworth	25 Oct., 1859.
Gresford	John Bush	1 Nov., 1851 ..	1 Nov., 1851 ..	200	Do. do. ..	James Taylor and Gilbert Cory	1 Nov., 1851.
Gulligall	Henrietta K. Johnstone	1 Mar., 1857 ..	1 Mar., 1857 ..	200	Do. do. ..	William Thomson and Saml. Hole	25 Feb., 1857.
Gundagai	David Winton	1 Aug., 1856 ..	1 Aug., 1856 ..	400	Self, £200—two sureties, £100 each ..	Robt. Riley and Frederick Gasse	1 July, 1862.
Gundaroo	Alexander Frazer	1 Jan., 1859 ..	1 Jan., 1859 ..	200	Self, £100—two sureties, £50 each ..	Wm. J. Packer and Jno. Donnelly	30 Dec., 1858.
Kiandra	Ed. Burke	22 Oct., 1862 ..	22 Oct., 1862 ..	100	Self, £50—two sureties, £25 each ..	Not named	Not yet executed
Kincumber	Henry A. Lane	1 April, 1859 ..	1 April, 1859 ..	200	Self, £100—two sureties, £50 each ..	Donald M'Master and John Dunlop	7 Jan., 1861.
Gunnedah	George Cohen	15 May, 1861 ..	15 May, 1861 ..	200	Do. do. ..	Moses Moss and Saml. Cohen	23 May, 1862.
Gunning	Arthur R. Burton	1 Jan., 1862 ..	1 Jan., 1862 ..	200	Do. do. ..	Timothy Starr and Peter Best	8 Jan., 1862.
Guntewang	Henry Goldsmith	1 Oct., 1861 ..	1 Oct., 1861 ..	200	Do. do. ..	George Rouse and James B. Moore	16 Oct., 1861.
Guyong	William Rowe	1 July, 1853 ..	1 July, 1853 ..	200	Do. do. ..	Richard Glasson and Geo. Hawke	29 June, 1853.
Geddat	Ed. Murray	1 May, 1863 ..	1 May, 1863 ..	100	Self, £50—two sureties, £25 each ..	Jno. Piesley and Jas. Agland	25 May, 1863.
Hartley	Patrick Finn	1 Aug., 1859 ..	1 Aug., 1859 ..	400	Self, £200—two sureties, £100 each ..	Michael John Finn and James M'Coy	1 July, 1862.
Hay	A. H. Prince	20 June, 1862 ..	20 June, 1862 ..	200	Self, £100—two sureties, £50 each ..	Thos. H. Mate and Nicholas H. Eager	1 Oct., 1862.
Hexham	Fred. Harvey	1 Mar., 1860 ..	1 Mar., 1860 ..	200	Do. do. ..	Robt. Gordon and James Brown	25 April, 1860.
Hinton	Henry Atkins	1 July, 1857 ..	1 July, 1857 ..	200	Do. do. ..	John Christian and Jas. Campbell	4 June, 1857.
Howlong	John G. Drew	1 Jan., 1861 ..	1 Jan., 1861 ..	200	Do. do. ..	William Jinkins and Hy. Ringwood	15 April, 1861.
Hunter's Hill	J. Stanner	1 June, 1858 ..	1 June, 1858 ..	200	Do. do. ..	Frederick Mader and D. N. Joubert	4 June, 1858.
Huntingdon	Lauchlan Lindsay	1 Jan., 1861 ..	1 Jan., 1861 ..	200	Do. do. ..	Alexander Bain and Donald M'Donald	21 Dec., 1860.
Hursley	James Hy. Young	1 Sept., 1862 ..	1 Sept., 1862 ..	200	Do. do. ..	Robert A. H. Kemp and John Young	1 Sept., 1862.
Inverell	Colin Ross	1 Jan., 1855 ..	1 Jan., 1855 ..	200	Do. do. ..	James Gilchrist and Andrew Ross	10 Nov., 1854.
Ironbarks	Isaac L. Isaacs	12 Aug., 1861 ..	12 Aug., 1861 ..	200	Do. do. ..	James Inglis and William Deighton	22 Aug., 1861.
Jamberoo	W. H. Menefy	1 Feb., 1861 ..	1 Feb., 1861 ..	100	Self, £50—two sureties, £25 each ..	Samuel Vidler and Jno. Carson	3 Dec., 1863.

SECURITIES GIVEN BY PUBLIC SERVANTS.

SITUATION.	NAME.	DATE OF APPOINTMENT.		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount.	Particulars.		
POST OFFICE—continued.							
				£			
Postmaster—							
Jembaicumbene ..	George Summers ..	1 Feb., 1861 ..	1 Feb., 1861 ..	200	Self, £100—two sureties, £50 each ..	James Rodd and Chas. E. Dransfield ..	21 Feb., 1861.
Jereclerie ..	John Powell ..	1 Oct., 1862 ..	1 Oct., 1862 ..	200	Do. do. ..	Jno. Stuart and Geo. Billackinnon ..	2 Oct., 1862.
Jerry's Plains ..	Oliver Saunders ..	1 April, 1858 ..	1 April, 1858 ..	200	Do. do. ..	Thomas Ellis and Robert Alcorn ..	19 Mar., 1858.
Jindabyne ..	Walter Adams ..	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Self, £50—two sureties, £25 each ..	S. Ryrie and H. G. Salmon ..	11 Feb., 1863
Jones' Island ..	T. W. Dugdale ..	1 Jan., 1860 ..	1 Jan., 1860 ..	200	Self, £100—two sureties, £50 each ..	Jno. Delves and John Galloway ..	15 Dec., 1859.
Jugiong ..	John Sheahan ..	1 Oct., 1856 ..	1 Oct., 1856 ..	200	Do. do. ..	Daniel Egan and John P. Egan ..	10 Nov., 1857.
Junction ..	William Mills ..	11 Mar., 1861 ..	11 Mar., 1861 ..	200	Do. do. ..	Chas. B. Rauchland and J. L. Morgan ..	5 April, 1861.
Junec ..	Ed. P. Smith ..	1 May, 1862 ..	1 May, 1862 ..	200	Do. do. ..	James Harris and Thos. Rt. Turner ..	1 May, 1862.
Keen's Swamp ..	Mrs. Harris ..	1 Oct., 1862 ..	1 Oct., 1862 ..	200	Do. do. ..	Reuben Leader and Robt. Leader ..	20 Oct., 1862.
Kelso ..	Ann Glasson ..	31 Dec., 1862 ..	31 Dec., 1862 ..	100	Self, £50—two sureties, £25 each ..	Not named ..	Not yet executed.
Kempsey ..	Eliz. P. Dangar ..	16 Mar., 1859 ..	16 Mar., 1859 ..	200	Self, £100—two sureties, £50 each ..	William S. Dangar and W. T. Dangar ..	5 May, 1859.
Kenny's Point ..	John F. Kenny ..	1 Jan., 1859 ..	1 Jan., 1859 ..	200	Do. do. ..	Patrick Byrne and Bernard Cullen ..	29 Dec., 1858.
Kiama ..	Thos. J. Fuller ..	1 June, 1858 ..	1 June, 1858 ..	200	Do. do. ..	George L. Fuller and George K. Waldron ..	19 May, 1858.
Kiora ..	David E. Jones ..	1 Jan., 1862 ..	1 Jan., 1862 ..	200	Do. do. ..	Jno. Hawdon and Abraham Emmott ..	13 Dec., 1861.
Kunopia ..	Alexander Wightman ..	1 Sept., 1862 ..	1 Sept., 1862 ..	200	Do. do. ..	James Fitzdoyle and Sydney Burdekin ..	1 Sept., 1862.
Laggan ..	Wm. A. Forster ..	1 Jan., 1861 ..	1 Jan., 1861 ..	200	Do. do. ..	James Marsden and Henry Forster ..	9 Dec., 1860.
Lagoons ..	Thos. B. Carson ..	10 Jan., 1863 ..	10 Jan., 1863 ..	100	Self, £50—two sureties, £25 each ..	James Hall and Charles Hall ..	13 Jan., 1863.
Laguna ..	Mary B. Townshend ..	1 July, 1862 ..	1 July, 1862 ..	200	Self, £100—two sureties, £50 each ..	William Richard Townshend and Joseph Biscoe ..	1 July, 1862.
Lane Cove ..	Eliza Edwards ..	1 Feb., 1860 ..	1 Feb., 1860 ..	200	Do. do. ..	Robert M'Intosh and George M'Intosh ..	20 Jan., 1860.
Lanyon ..	A. W. Cunningham ..	1 Aug., 1860 ..	1 Aug., 1860 ..	200	Do. do. ..	Andrew Cunningham and Wm. F. Hayley ..	22 Sept., 1860.
Lake Macquarie Road ..	John Howden ..	1 April, 1860 ..	1 April, 1860 ..	200	Do. do. ..	James Hannell and Atkinson Tighe ..	29 Mar., 1860.
Largs ..	George Roberts ..	1 Jan., 1858 ..	1 Jan., 1858 ..	200	Do. do. ..	Andrew Lang and John Mitchell ..	17 Dec., 1857.
Lawrence ..	Frederick Gare ..	1 April, 1862 ..	1 April, 1862 ..	200	Do. do. ..	Frederick Gare and Justus Folbigg ..	1 April, 1862.
Linekilns ..	Saml. Taylor ..	10 Mar., 1863 ..	10 Mar., 1863 ..	100	Self, £50—two sureties, £25 each ..	Samuel Armour and Richd. Webb ..	19 Mar., 1863.
Lismore ..	Wm. H. Rankin ..	1 Jan., 1862 ..	1 Jan., 1862 ..	200	Self, £100—two sureties, £50 each ..	William Smith and Henry Brown ..	20 Jan., 1862.
Limeburners Creek ..	C. H. Smith ..	4 Feb., 1861 ..	4 Feb., 1861 ..	200	Do. do. ..	John Scott and F. Griffin ..	14 Oct., 1862.
Little Hartley ..	George Jarvis ..	1 Nov., 1857 ..	1 Nov., 1857 ..	200	Do. do. ..	Joseph Collits and Jas. Sheringham ..	30 Oct., 1857.
Liverpool ..	Henry B. Beresford ..	1 April, 1856 ..	1 April, 1856 ..	200	Do. do. ..	C. L. Bayley and R. Tremain ..	30 Oct., 1859.
Lochinvar ..	Joseph Smith ..	1 July, 1855 ..	1 July, 1855 ..	200	Do. do. ..	Samuel Owen and Isaac Beckett ..	30 Aug., 1855.
Longbottom ..	Patrick M'Grath ..	25 Aug., 1857 ..	25 Aug., 1857 ..	200	Do. do. ..	Thomas Bray and Wm. Lucas ..	25 July, 1857.
Long Creek ..	Jno. Mallett ..	30 Dec., 1862 ..	30 Dec., 1862 ..	100	Self, £50—two sureties, £25 each ..	Jno. Smith and Wm. Mulholland ..	7 Jan., 1863.
Long Reach ..	Jno. J. Martyr ..	1 July, 1862 ..	1 July, 1862 ..	200	Self, £100—two sureties, £50 each ..	Philip Jamieson and Angus Cameron ..	1 July, 1862.
Long Swamp ..	Jno. Chesher ..	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Self, £50—two sureties, £25 each ..	Hy. A. Smith and Wm. Chesher ..	18 Jan., 1863.
Lostock ..	Henry Fowler ..	1 Jan., 1861 ..	1 Jan., 1861 ..	200	Self, £100—two sureties, £50 each ..	Thomas F. Wilkinson and Jno. Laurence ..	5 Mar., 1861.
Louisa Creek ..	William Hickey ..	1 June, 1859 ..	1 June, 1859 ..	200	Do. do. ..	James Murphy and Andrew Hickey ..	28 June, 1859.
Lower Portland ..	Hy. Everingham ..	1 April, 1860 ..	1 April, 1860 ..	200	Do. do. ..	Jonathan Walkom and O. Cavanough ..	29 Mar., 1860.
Luddenham ..	William Neal ..	1 June, 1859 ..	1 June, 1859 ..	200	Do. do. ..	David Bell and James Bell ..	27 May, 1859.
Major's Creek ..	Jno. N. Blatchford ..	1 Jan., 1861 ..	1 Jan., 1861 ..	200	Do. do. ..	W. A. Fromger and E. Fox Cartile ..	29 Dec., 1860.
Mangrove Creek ..	Daniel M'Intosh ..	1 Jan., 1858 ..	1 Jan., 1858 ..	200	Do. do. ..	Richd. Ellen and John Ellen ..	14 Dec., 1857.
Manilla ..	George Veness ..	1 Sept., 1854 ..	1 Sept., 1854 ..	200	Do. do. ..	M. H. Hall and G. C. Marshall ..	9 Aug., 1854.
Manly ..	John Fox ..	1 May, 1861 ..	1 May, 1861 ..	200	Do. do. ..	John Remington and Thos. Lister ..	19 July, 1862.
Marengo ..	R. S. Stevens ..	1 Oct., 1861 ..	1 Oct., 1861 ..	200	Do. do. ..	John Haddon and William West ..	2 Jan., 1862.
Marulan ..	Francis M'Carty ..	1 Sept., 1861 ..	1 Sept., 1861 ..	200	Do. do. ..	John Fuljames and John O'Neil ..	2 Sept., 1861.
Maryland ..	Wm. Hardy ..	26 Oct., 1862 ..	26 Oct., 1862 ..	100	Self, £50—two sureties, £25 each ..	Edward Baker and C. W. Marsh ..	31 Dec., 1862.
Maude ..	Hy. Prendergast ..	1 May, 1863 ..	1 May, 1863 ..	100	Do. do. ..	Thos. Darchy and T. William ..	Bond not yet executed.

A RETURN, &c.—Continued.

SITUATION.	NAME.	DATE OF APPOINTMENT.		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount.	Particulars.		
POST OFFICE—continued.							
Postmaster—				£			
Meadow Flat	Hy. G. Brown	1 Dec., 1860 ..	1 Dec., 1860 ..	200	Self, £100—two sureties, £50 each ..	Chas. Scott and L. Durack	19 Nov., 1860.
Merimbula	H. A. Bate	1 Nov., 1860 ..	1 Nov., 1860 ..	200	Do. do. ..	Herbert Hawtrey and F. Berkelmann ..	9 Oct., 1860.
Merrendee	Richard Hull	1 July, 1859 ..	1 July, 1859 ..	200	Do. do. ..	Samuel Robinson and Joseph Cox ..	19 July, 1859.
Merri Merri	Alfred Hill	1 Dec., 1862 ..	1 Dec., 1862 ..	100	Self, £50—two sureties, £25 each ..	Edward Flood, junr., and Chas. Fenwick ..	30 Dec., 1862.
Merriwa	Matilda Winter	18 Feb., 1862 ..	18 Feb., 1862 ..	100	Do. do. ..	Geo. Love Grove and Michael Farrell ..	1 Mar., 1862.
Michelago	Robt. Cameron	1 Feb., 1860 ..	1 Feb., 1860 ..	200	Self, £100—two sureties, £50 each ..	Owen Cameron and Kenneth Cameron ..	8 Feb., 1860.
Miller's Forest	Hy. Carpenter	1 April, 1861 ..	1 April, 1861 ..	100	Self, £50—two sureties, £25 each ..	Geo. Kite and W. H. Gardiner ..	8 April, 1863.
Millfield	Henry Crothers	1 Mar., 1861 ..	1 Mar., 1861 ..	200	Self, £100—two sureties, £50 each ..	Thomas Crothers and Moses Jones ..	4 Mar., 1861.
Milton	Frederick Hall	1 Oct., 1861 ..	1 Oct., 1861 ..	200	Do. do. ..	Jas. Warden and Wm. Hood Watson ..	15 Oct., 1861.
Minni	William Charlton	1 Oct., 1861 ..	1 Oct., 1860 ..	200	Do. do. ..	Jas. Brown and Cuthbert Heslop ..	29 Sept., 1860.
Mitchell's Creek	George Hodgson	21 May, 1862 ..	1 May, 1862 ..	200	Do. do. ..	Edward Arnold and Hy. Crossman ..	24 May, 1862.
Moama	Thomas Waltham	1 Jan., 1857 ..	1 Jan., 1857 ..	200	Do. do. ..	Alex. M'Laurin and John Bourke ..	19 Dec., 1856.
Molong	John Liscombe	1 Jan., 1850 ..	1 Jan., 1850 ..	200	Do. do. ..	John Murray and Samuel Phillips ..	23 Aug., 1854.
Molongio	William Kay	1 Dec., 1860 ..	1 Dec., 1860 ..	200	Do. do. ..	Thomas Routledge and E. S. Antill ..	16 Nov., 1860.
Monga	William Breckenridge	10 July, 1862 ..	10 July, 1862 ..	200	Do. do. ..	Richd. Smith and Jas. Rodd ..	10 July, 1862.
Montefiores	Jno. A. Sorwall	3 Oct., 1862 ..	3 Oct., 1862 ..	200	Do. do. ..	Joseph Aarons, junr., and Jno. Hinson ..	3 Oct., 1862.
Moonam Brook	Jas. Fuller	1 Jan., 1862 ..	1 Jan., 1862 ..	200	Do. do. ..	Jas. St. John Rowland and Jas. Saville ..	26 Dec., 1861.
Moonbi	Margaret Breton	1 Oct., 1859 ..	1 Oct., 1859 ..	200	Do. do. ..	John Gill and William M'Clellan ..	22 Sept., 1859.
Morangarell	D. C. M'Gregor	1 Jan., 1858 ..	1 Jan., 1858 ..	200	Do. do. ..	William Wass and Alexr. M'Gregor ..	16 Dec., 1857.
Moree	David M'Kenzie	1 Aug., 1862 ..	1 Aug., 1862 ..	200	Do. do. ..	Donald Munro and Robert M'Kenzie ..	1 Aug., 1862.
Morpeth	Jane Largmore	1 Mar., 1854 ..	1 Mar., 1854 ..	400	Self, £200—two sureties, £100 each ..	Edwd. C. Close and Fredk. Mainby ..	1 July, 1862.
Moriya	Oliver Lodge	1 Oct., 1857 ..	1 Oct., 1857 ..	200	Self, £100—two sureties, £50 each ..	W. J. Collett and W. S. Caswell ..	9 Oct., 1857.
Mount Murchison	Edwd. Bonney	1 Jan., 1860 ..	1 Jan., 1860 ..	200	Do. do. ..	Henry Jamieson and J. C. Meyers ..	25 Jan., 1860.
Mount Vincent	Wm. Giles	1 April, 1859 ..	1 April, 1859 ..	200	Do. do. ..	Henry Northcott and Thos. Latter ..	14 July, 1859.
Moulamein	Thos. Linton	1 Sept., 1859 ..	1 April, 1859 ..	200	Do. do. ..	Robt. Bradbury and Joseph Young ..	29 Aug., 1859.
Mullenderree	Jas. Comans	1 April, 1863 ..	1 April, 1863 ..	100	Self, £50—two sureties, £25 each ..	Ed. Wainwright and John M. Carr ..	1 April, 1863.
Mundooran	Thomas Webster	1 Jan., 1856 ..	1 Jan., 1856 ..	200	Self, £100—two sureties, £50 each ..	John Cockburn and J. Reardon ..	3 Dec., 1855.
Murrumburrah	John English	1 Sept., 1860 ..	1 Sept., 1860 ..	200	Do. do. ..	Michael Comans and Daniel Ryan ..	11 Sept., 1860.
Murga	G. J. Philler	1 Nov., 1862 ..	1 Nov., 1862 ..	100	Self, £50—two sureties, £25 each ..	Thos. Dawson and B. Nelson ..	Not yet executed.
Murrurundi	Henry Wheeler	1 Aug., 1856 ..	1 Aug., 1856 ..	400	Self, £200—two sureties, £100 each ..	William Nicholls and E. Hayes ..	5 Aug., 1856.
Muswellbrook	J. S. Arnott	12 Sept., 1862 ..	12 Sept., 1862 ..	400	Do. do. ..	Thos. Loxton and W. Eaton ..	12 Sept., 1862.
Mutt Billy	Thos. J. Lodge	1 Feb., 1860 ..	1 Feb., 1860 ..	200	Self, £100—two sureties, £50 each ..	William Matthews and J. Maguire ..	8 Feb., 1860.
Muttons Falls	E. Ann Webb	18 Nov., 1862 ..	18 Nov., 1862 ..	100	Self, £50—two sureties, £25 each ..	Wilson M'Cauley and John M'Cauley ..	3 Nov., 1862.
Myrleville	Chas. Capon	1 May, 1861 ..	1 May, 1861 ..	200	Self, £100—two sureties, £50 each ..	Patrick Dunne and Jas. M'Grale ..	16 May, 1861.
Narrabri	Hy. P. Brooks	1 Mar., 1862 ..	1 Mar., 1862 ..	200	Do. do. ..	Geo. Lewis and William Thurlow ..	1 Mar., 1862.
Narrendera	Knox Ellis	1 Mar., 1859 ..	1 Mar., 1859 ..	200	Do. do. ..	Geo. Forsyth and John D. Meares ..	28 Feb., 1859.
Narellan	John Hartley	1 Aug., 1857 ..	1 Aug., 1857 ..	200	Do. do. ..	John Perry and James Hills ..	30 July, 1857.
Nattai	James Forde	1 April, 1862 ..	1 April, 1862 ..	200	Do. do. ..	J. L. Oakes and B. J. W. Burke ..	1 April, 1862.
Nelligen	Henry Rashleigh	1 May, 1861 ..	1 May, 1861 ..	200	Do. do. ..	W. R. Browne and J. S. Carter ..	7 June, 1861.
Nerriga	Dudley M'Grath	1 Aug., 1859 ..	1 Aug., 1859 ..	200	Do. do. ..	Francis M'Grath and M. W. Kelly ..	1 June, 1860.
Nerrigundah	Edward Smith	1 Sept., 1861 ..	1 Sept., 1861 ..	200	Do. do. ..	John Constable and John L. Long ..	16 Sept., 1861.
Newtown	Michael Holroyd	1 June, 1859 ..	1 June, 1859 ..	200	Do. do. ..	John M. Illidge and John Rowe ..	1 June, 1859.
Nimitybelle	David Bell	1 June, 1861 ..	1 June, 1861 ..	200	Do. do. ..	Solomon Solomons and D. Lazarus ..	6 June, 1861.
North Richmond	John Winter	1 Dec., 1858 ..	1 Dec., 1858 ..	200	Do. do. ..	William Wilder and William H. Wood ..	22 Nov., 1858.
Norwood	John Jones	1 May, 1860 ..	1 May, 1860 ..	200	Do. do. ..	Jas. Henry and S. D. Johnston ..	8 June, 1860.
Nowindock	Thos. Lawrie	1 Jan., 1862 ..	1 Jan., 1862 ..	200	Do. do. ..	Jas. Wilson and Duncan M'Rae ..	6 Jan., 1861.
Nowra	Jno. M'Arthur	1 Jan., 1861 ..	1 Jan., 1861 ..	200	Do. do. ..	Jas. Maguire and Geo. Tony ..	22 Nov., 1860.
Nundle	Alex. M'Clelland	1 May, 1856 ..	1 May, 1856 ..	200	Do. do. ..	Wm. M'Ilban and Wm. M'Clelland ..	7 May, 1856.

SECURITIES GIVEN BY PUBLIC SERVANTS.

SITUATION.	NAME.	DATE OF APPOINTMENT.		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount	Particulars.		
POST OFFICE—continued.							
				£			
Postmaster—							
Numeralla	Hugh Agnew	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Self, £50—two sureties, £25 each ..	Hy. Agnew and Adam Agnew	29 Dec., 1862.
Oaks	Edward Kelly	1 Jan., 1858 ..	1 Jan., 1858 ..	200	Self, £100—two sureties, £50 each ..	Pat. Martin and Luke Reilly	14 Dec., 1857.
Oakey Creek	James Allison	1 April, 1859 ..	1 April, 1859 ..	200	Do. do. ..	Nicholas Donney and H. Allison	2 Aug., 1859.
Obley	Robt. Cragg	1 April, 1861 ..	1 April, 1861 ..	200	Do. do. ..	John Strahoun and William Ross	28 June, 1858.
O'Connell	David Nolan	1 July, 1860 ..	1 July, 1860 ..	200	Do. do. ..	Henry M. Fulton and Major West, senr. ..	21 June, 1857.
Orange	James Dale	1 Mar., 1855 ..	1 Mar., 1855 ..	400	Self, £200—two sureties, £100 each ..	William Dale and Wm. Priscoombe	1 July, 1862.
Oranmore	M. N. O'Connell	1 Aug., 1859 ..	1 Aug., 1859 ..	200	Self, £100—two sureties, £50 each ..	John O'Connor and M. Gallagher	6 Sep., 1859.
Ophir	D. H. Melhuish	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Self, £50—two sureties, £25 each ..	Geo. Slater and Jas. Dalton	Not yet executed.
Paddington	Richard Westaway	22 July, 1857 ..	22 July, 1857 ..	200	Self, £100—two sureties, £50 each ..	Geo. Luker and Thomas Mathews	22 July, 1857.
Pambula	Robt. Beck, senr.	1 Aug., 1861 ..	1 Aug., 1861 ..	200	Do. do. ..	Solomon Solomons and Wm. Thompson	21 Aug., 1861.
Paterson	Michael L. Saunders	1 May, 1859 ..	1 May, 1859 ..	200	Do. do. ..	Benjamin Newbury and S. H. Dunn	1 Nov., 1859.
Pell	James Read	1 Aug., 1856 ..	1 Aug., 1856 ..	200	Do. do. ..	Geo. Francis and F. Lewin	5 Aug., 1856.
Pennant Hills	William Spurway	1 Mar., 1861 ..	1 Mar., 1861 ..	200	Do. do. ..	Geo. Spurway and Henry Johnston	17 Mar., 1861.
Petersham	Hannah Williams	1 Mar., 1860 ..	1 Mar., 1860 ..	200	Do. do. ..	Edward Hinder and James Gracie	23 Feb., 1860.
Picton	E. J. Larkin	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Self, £50—two sureties, £25 each ..	Thomas Larkin and Wm. Shuttleworth	29 Dec., 1862.
Pitt Town	Mary Buckridge	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Do. do. ..	Thos. Chaseling and Joseph Hobbs	11 April, 1863.
Port M'Quarie	M. Spence	1 Nov., 1852 ..	1 Nov., 1852 ..	200	Self, £100—two sureties, £50 each ..	Samuel Cohen and John Cummins	21 Feb., 1853.
Prospect	Eliza O'Doherty	1 Sept., 1862 ..	1 Sept., 1862 ..	200	Do. do. ..	Thos. M'Caffery and Thos. Delany	1 Sept., 1862.
Pymont	E. Fleming	1 Sept., 1853 ..	1 Sept., 1853 ..	200	Do. do. ..	William Webb and Thos. Richards	11 Oct., 1853.
Queanbeyan	Gualter Soares	1 Nov., 1860 ..	1 Nov., 1860 ..	400	Self, £200—two sureties, £100 each ..	Allerli Dias Soares and W. Scrivener	16 June, 1862.
Quirindi	Elizabeth Cook	1 April, 1863 ..	1 April, 1863 ..	100	Self, £50—two sureties, £25 each ..	James M. Loder and Benjn. Cook	10 April, 1863.
Randwick	John Grice	1 May, 1859 ..	1 May, 1859 ..	200	Self, £100—two sureties, £50 each ..	S. Hebblewhite and S. H. Pearce	27 April, 1859.
Raymond Terrace	W. E. Shaw	1 May, 1860 ..	1 May, 1860 ..	400	Self, £200—two sureties, £100 each ..	Edwd. Doherty and Wm. Coombe	1 July, 1862.
Redbank	Robt. Fitzpatrick	1 Jan., 1859 ..	1 Jan., 1859 ..	200	Self, £100—two sureties, £50 each ..	Robt. M'Lean and Geo. Jordan	16 Dec., 1858.
Redfern	Albert Allen	1 Dec., 1861 ..	1 Dec., 1861 ..	200	Do. do. ..	Jas. Wm. Morton and Thos. Jones	14 Dec., 1861.
Reid's Flat	Thos. Reid	1 April, 1859 ..	1 April, 1859 ..	200	Do. do. ..	John Cummings and Daniel Reid	22 Mar., 1859.
Richmond	William Price	1 Sept., 1858 ..	1 Sept., 1858 ..	400	Self, £200—two sureties, £100 each ..	John Ducker and Caleb Crisford	1 July, 1862.
Richmond River Heads..	Edmund Ross	1 April, 1853 ..	1 April, 1853 ..	200	Self, £100—two sureties, £50 each ..	Robt. M'Eachern and F. Morrish	19 Mar., 1858.
Riversford	Sydney C. Drewe	1 Feb., 1858 ..	1 Feb., 1858 ..	200	Do. do. ..	Henry Phillips and Chas. Harkness	23 Jan., 1858.
Rocky Mouth	Wm. Munroe	1 Feb., 1863 ..	1 Feb., 1863 ..	100	Self, £50—two sureties, £25 each ..	Hector Cameron and Thos. Macintosh	14 Feb., 1863.
Rockley	Arthur Budden	1 April, 1861 ..	1 April, 1861 ..	200	Self, £100—two sureties, £50 each ..	J. C. Stranger and Morris Levey	19 Mar., 1861.
Rocky River	Alfred W. Hayles	1 Oct., 1856 ..	1 Oct., 1856 ..	400	Self, £200—two sureties, £100 each ..	Saml. M'Crossin and Jas. Kirkwood	1 July, 1862.
Rolland's Plains	John Churchill	1 Jan., 1856 ..	1 Jan., 1856 ..	200	Self, £100—two sureties, £50 each ..	William Hill and M. Fahex	19 Oct., 1855.
Rouse Hill	John Retallock	1 Oct., 1857 ..	1 Oct., 1857 ..	200	Do. do. ..	John Schofield and Richd. Edwards	11 Aug., 1858.
Russells	Jas. J. Patrick	18 Nov., 1860 ..	18 Nov., 1860 ..	200	Do. do. ..	George Patrick and A. J. Stevens	8 Jan., 1861.
Rylstone	Anne M. Armstrong	15 Feb., 1857 ..	15 Feb., 1857 ..	200	Do. do. ..	Henry Bingmann and Jno. M'Lennan	17 April, 1857.
Ryde	Geo. Pope	1 Jan., 1850 ..	1 Jan., 1850 ..	200	Self, £100—two sureties, £50 each ..	Geo. E. Turner and Jas. Devlin	1 Jan., 1850.
Sackville Reach	Henrietta C. Kirwan	1 Jan., 1853 ..	1 Jan., 1853 ..	200	Do. do. ..	James Turnbull and Cobclough Kirwan	16 Dec., 1857.
Sassafras	Alfred J. Anson	1 Aug., 1861 ..	1 Aug., 1861 ..	200	Do. do. ..	John M'Arthur and Thos. Corzer	21 Aug., 1861.
St. Alban's	John Pescud	1 July, 1854 ..	1 July, 1854 ..	200	Do. do. ..	John Furnace and M. G. Thompson	20 June, 1854.
St. Leonard's	Geo. H. Stevens	1 May, 1854 ..	1 May, 1854 ..	200	Do. do. ..	Thos. Redgrave and Jos. Geirard	22 April, 1854.
St. Mark's	Fergus M'Lean	1 April, 1853 ..	1 April, 1853 ..	200	Do. do. ..	Michl. Guilfoyle and John Reddy	5 April, 1853.
St. Mary's	Mathew Webb	1 April, 1860 ..	1 April, 1860 ..	200	Do. do. ..	Peter Royal and John Morrison	13 Aug., 1860.
St. Peter's	John M'Kenzie	1 Sept., 1853 ..	1 Sept., 1853 ..	200	Do. do. ..	Thos. Chalder and F. J. King	7 Sept., 1858.
Scone	Francis Isaac	1 Oct., 1860 ..	1 Oct., 1860 ..	200	Do. do. ..	Francis Frederick and Jas. Perry	28 Sept., 1860.

A RETURN, &c.—Continued.

SITUATION.	NAME.	DATE OF APPOINTMENT.		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount.	Particulars.		
POST OFFICE—continued.							
Postmaster—				£			
Seaham	Alexander Cameron ..	1 July, 1862 ..	1 July, 1862 ..	200	Self, £100—two sureties, £50 each ..	Alexr. Warren and Gavin Carmichael ..	1 July, 1862.
Shellharbor ..	Edward Graham ..	1 April, 1859 ..	1 April, 1859 ..	200	Do. do. ..	John Graham and And. Armstrong ..	14 June, 1859.
Shoalhaven ..	Jas. Lang ..	1 Feb., 1853 ..	1 Feb., 1853 ..	200	Do. do. ..	David Berry and Jas. Waddington ..	20 Jan., 1853.
Smithfield ..	Jas. Manfield ..	1 May, 1857 ..	1 May, 1857 ..	200	Do. do. ..	Joseph Kenyon and John Watts ..	17 April, 1857.
Sofala	Margaret Smith ..	18 Nov., 1861 ..	18 Nov., 1861 ..	200	Do. do. ..	J. P. Walford and Robt. M. Brown ..	10 Dec., 1861.
South Gundagai ..	Frederick Gasse ..	1 Oct., 1861 ..	1 Oct., 1861 ..	200	Do. do. ..	David Winton and John Spencer ..	2 Oct., 1861.
South Wangan ..	Jas. Newell ..	1 May, 1860 ..	1 May, 1860 ..	200	Do. do. ..	Hanbury Clements and A. B. R. Boulter ..	26 July, 1860.
Stockton ..	Samuel Stirling ..	1 Feb., 1862 ..	1 Feb., 1862 ..	200	Do. do. ..	David A. Ritchie and John Hay ..	12 Feb., 1862.
Stroud	Thomas Laman ..	1 Jan., 1857 ..	1 Jan., 1857 ..	200	Do. do. ..	Thomas Nicholls and George Ogdin ..	11 Dec., 1856.
Sutton Forest ..	Frederick Bingmann ..	1 Dec., 1859 ..	1 Dec., 1859 ..	200	Do. do. ..	A. G. Morley and John Sewell, junr. ..	20 June, 1861.
Swatchfield ..	Robt. Stapleton ..	1 April, 1860 ..	1 April, 1860 ..	200	Do. do. ..	Josiah Baldwin and Jas. Gorman ..	14 Aug., 1860.
Summer Island ..	J. M'Cormack ..	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Self, £50—two sureties, £25 each ..	Jas. W. Wilson and Geo. J. Chapman ..	16 Jan., 1863.
Table Land ..	E. Horton ..	1 Aug., 1859 ..	1 Aug., 1859 ..	200	Self, £100—two sureties, £50 each ..	John Ross and Thos. E. Davis ..	18 Aug., 1859.
Tabulam ..	C. H. E. Chauvel ..	1 May, 1863 ..	1 May, 1863 ..	100	Self, £50—two sureties, £25 each ..	Not named ..	Not yet executed.
Tambaroora ..	Wm. Jas. Slack ..	1 Dec., 1853 ..	1 Dec., 1853 ..	200	Self, £100—two sureties, £50 each ..	William A. Townhend and W. Gillespie ..	14 Nov., 1853.
Tarago	N. Levell ..	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Self, £50—two sureties, £25 each ..	S. P. Cutmore and Ed. Gore ..	4 June, 1863.
Taralga	Stephen Phillips ..	1 May, 1856 ..	1 May, 1856 ..	200	Self, £100—two sureties, £50 each ..	Edward Arnett and Farquhar Ross ..	28 May, 1862.
Tarcutta ..	Thos. Mate ..	1 June, 1860 ..	1 June, 1860 ..	200	Do. do. ..	Chas. D. Bardwell and Alfred Hayden ..	26 May, 1860.
Taree	Ebenezer Doust ..	1 Jan., 1861 ..	1 Jan., 1861 ..	200	Do. do. ..	Roger C. Gofton and Henry Western ..	8 May, 1862.
Tarlo	S. R. Pembroke ..	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Self, £50—two sureties, £25 each ..	Alexr. M'Donald and John M'Callum ..	8 Jan., 1863.
Teesdale ..	Donald Chesher ..	1 Jan., 1862 ..	1 Jan., 1862 ..	200	Self, £100—two sureties, £50 each ..	Thos. S. Chesher and George Chesher ..	10 Jan., 1862.
Ten Mile Creek ..	James Ford ..	1 Jan., 1857 ..	1 Jan., 1857 ..	200	Do. do. ..	William Connolly and Alfred Evans ..	10 Dec., 1856.
Tenterfield ..	Eugene O'Connell ..	11 Dec., 1858 ..	11 Dec., 1858 ..	200	Do. do. ..	Frederick King and Patrick Sullivan ..	20 Dec., 1858.
Thornthwaite ..	John Goodman ..	1 Jan., 1862 ..	1 Jan., 1862 ..	200	Do. do. ..	Joseph Docker and Archibald Little ..	21 Jan., 1862.
Timbarra ..	Henrietta Smith ..	1 Oct., 1859 ..	1 Oct., 1859 ..	200	Do. do. ..	Thos. Robertson and Richard Robertson ..	2 Oct., 1859.
Tinonee ..	Horace Dean ..	1 Aug., 1862 ..	1 Aug., 1862 ..	200	Do. do. ..	Robert Searle and Chas. Turner ..	1 Aug., 1862.
Tomago	William Young ..	1 Jan., 1862 ..	1 Jan., 1862 ..	200	Do. do. ..	George B. White and William Brett ..	2 Jan., 1862.
Tomarong ..	John Parnell ..	1 Jan., 1863 ..	1 Jan., 1863 ..	100	Self, £50—two sureties, £25 each ..	Alexr. Bryce and Wm. Bryce ..	30 Dec., 1862.
Toooloom ..	Donald M'Lean ..	15 Feb., 1852 ..	15 Feb., 1862 ..	200	Self, £100—two sureties, £50 each ..	James M'Kenzie and Jas. Irvine ..	15 Feb., 1862.
Tuena	Henry G. Chard ..	1 Mar., 1860 ..	1 Mar., 1860 ..	200	Do. do. ..	James Bright and George Simms ..	2 Mar., 1860.
Tumut	Henry Hilton ..	1 Mar., 1853 ..	1 Mar., 1853 ..	400	Self, £200—two sureties, £100 each ..	William Large and Robert Wilson ..	1 July, 1862.
Tumberumba ..	Michl. Langford ..	1 Aug., 1860 ..	1 Aug., 1860 ..	200	Self, £100—two sureties, £50 each ..	John Irvine and Fred. Compton ..	19 July, 1860.
Turee	Mary Elliott ..	1 Feb., 1863 ..	1 Feb., 1863 ..	100	Self, £50—two sureties, £25 each ..	Wm. Elliott and R. Lee ..	27 April, 1863.
Ulladulla ..	David Warden ..	1 Jan., 1852 ..	1 Jan., 1852 ..	200	Self, £100—two sureties, £50 each ..	Henry Clarke and Robert Gee ..	1 Oct., 1852.
Ulmarra ..	Alexander Cameron ..	1 April, 1859 ..	1 April, 1859 ..	200	Do. do. ..	John M'Millan and Donald M'Auley ..	24 Mar., 1859.
Upper Adelong ..	Abraham Watson ..	1 Aug., 1860 ..	1 Aug., 1860 ..	200	Do. do. ..	S. Emanuel, senr., and S. Emanuel, junr. ..	16 Aug., 1860.
Upper Bingera ..	William Howard ..	1 Aug., 1858 ..	1 Aug., 1858 ..	200	Do. do. ..	Samuel Turner and F. Perfrement ..	21 July, 1858.
Uralla	John M'Crossin ..	1 Feb., 1858 ..	1 Feb., 1859 ..	200	Do. do. ..	James Kirkwood and Alexander Mitchell ..	8 Nov., 1861.
Urana	E. J. Scott ..	15 Dec., 1861 ..	15 Dec., 1861 ..	200	Do. do. ..	Not named ..	Not yet executed.
Vacy	Josiah Morcom ..	1 Mar., 1860 ..	1 Mar., 1860 ..	200	Do. do. ..	Gilbert Cox and Thomas Cordell ..	15 Sept., 1862.
Wagga Wagga ..	Patrick S. Murray ..	1 June, 1859 ..	1 June, 1859 ..	200	Self, £100—two sureties, £50 each ..	G. Forsyth and A. B. Morgan ..	30 May, 1859.
Wagonga ..	Mrs. Curruthers ..	1 April, 1863 ..	1 April, 1863 ..	100	Self, £50—two sureties, £25 each ..	G. H. Meyhew and W. T. Wilmshurst ..	Not executed.
Walcha	Jane Daniel ..	1 Mar., 1855 ..	1 Mar., 1855 ..	200	Self, £100—two sureties, £50 each ..	Benjamin Hardaker and Jas. Gilchrist ..	8 Jan., 1862.
Wallgett ..	George Hoath ..	1 Feb., 1861 ..	1 Feb., 1861 ..	200	Do. do. ..	James R. Doyle and Henry Keys ..	12 Jan., 1861.
Wallabadah ..	Christina Paterson ..	1 April, 1858 ..	1 April, 1858 ..	200	Do. do. ..	Samuel Haigh and Richard Chambers ..	19 Mar., 1858.
Wallanthy ..	James Man ..	1 Mar., 1863 ..	1 Mar., 1863 ..	100	Self, £50—two sureties, £25 each ..	T. Blewett and A. H. Prince ..	10 April, 1863.

SECURITIES GIVEN BY PUBLIC SERVANTS.

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SITUATION.	NAME.	DATE OF APPOINTMENT.		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount.	Particulars.		
POST OFFICE continued.							
				£			
Postmaster—							
Wallsend	Willm. W. Johnston ..	1 Feb., 1862 ..	1 Feb., 1862 ..	200	Self, £100—two sureties, £50 each ..	John Chapman and Thos. Johnson ..	12 Feb., 1862.
Waratah	Pat. Dwyer	1 Feb., 1860 ..	1 Feb., 1860 ..	200	Do. do. ..	J. L. Morgan and Thos. Grove ..	8 Feb., 1860.
Warialda	John Geddes	1 June, 1860 ..	1 June, 1860 ..	200	Do. do. ..	Ludwig Phillips and James Snape ..	22 May, 1860.
Wandandian ..	Thos. Walsh	1 Dec., 1860 ..	1 Dec., 1860 ..	200	Do. do. ..	William Spain and Michael Kerwick ..	6 Nov., 1860.
Waterloo	William West	1 May, 1856 ..	1 May, 1856 ..	200	Do. do. ..	Rev. J. West and John Thompson ..	29 April, 1856.
Watson's Bay ..	Lewis Chandler ..	10 April, 1863 ..	10 April, 1863 ..	100	Self, £50—two sureties, £25 each ..	Not named ..	Not yet executed.
Wattle Flat ..	George Morehouse ..	1 April, 1861 ..	1 April, 1861 ..	200	Self, £100—two sureties, £50 each ..	Jos., Walford and Thos. O'Connor ..	5 April, 1861.
Waverley	William Thomas ..	1 May, 1862 ..	1 May, 1862 ..	200	Do. do. ..	Richd. Watkins and Walter Smith ..	1 May, 1862.
Wee Waa	John Hy. Burrell ..	1 Jan., 1860 ..	1 Jan., 1860 ..	200	Do. do. ..	Patrick Quinn and William Thurlow ..	6 Jan., 1860.
Welaregang ..	Basil Gray	1 Jan., 1861 ..	1 Jan., 1861 ..	200	Do. do. ..	George Mair and A. Strachan ..	11 Feb., 1861.
Wellingrove ..	Mary M'Killop ..	6 Aug., 1861 ..	6 Aug., 1861 ..	200	Do. do. ..	Angus M'Master and Alexander Cameron ..	16 Sept., 1861.
Wentworth ..	Jas. J. Smith	18 Aug., 1862 ..	18 Aug., 1862 ..	200	Do. do. ..	Fred. E. Renner and Thos. M'George ..	18 Aug., 1862.
Wellington ..	Henry Pike	1 Dec., 1857 ..	1 Dec., 1857 ..	200	Do. do. ..	Hy. J. Lambert and Joseph Haywood ..	28 Nov., 1857.
Wheco	Thomas Glennan ..	1 Jan., 1862 ..	1 Jan., 1862 ..	200	Do. do. ..	Thos. Frost and Michael Glennan ..	12 Feb., 1862.
Wheaney Creek ..	John Lamrock	24 Nov., 1858 ..	24 Nov., 1858 ..	200	Do. do. ..	Richd. Scuthorp and Jas. Lamrock ..	20 Dec., 1858.
Wilberforce ..	Mary Wenban	1 Jan., 1860 ..	1 Jan., 1860 ..	200	Do. do. ..	Michael Ford and David Wenban ..	30 Dec., 1859.
Windeyer	James Keppie	1 Oct., 1861 ..	1 Oct., 1861 ..	200	Do. do. ..	William Hardy and David Evans ..	21 Nov., 1861.
Wingham	William M'Lean ..	23 Sept., 1857 ..	23 Sept., 1857 ..	200	Do. do. ..	Joseph Andrews and Chas. G. Croaker ..	23 Sept., 1857.
Wiseman's Ferry ..	J. R. M'Kenzie ..	1 Oct., 1858 ..	1 Oct., 1858 ..	200	Do. do. ..	James Lane and Rd. Morsen ..	18 Nov., 1861.
Wollombi	Mrs. Arnott	1 Oct., 1862 ..	1 Oct., 1862 ..	200	Do. do. ..	Wm. John Cobercroft and Moses Jones ..	22 Oct., 1862.
Wombat	Joseph F. Broad ..	16 July, 1862 ..	16 July, 1862 ..	200	Do. do. ..	Morris Asher and Wm. Bull ..	16 July, 1862.
Woodhouselie ..	C. T. Cameron	15 Nov., 1862 ..	15 Nov., 1862 ..	100	Self, £50—two sureties, £25 each ..	J. B. Munoz and A. M'Donald ..	Not yet executed.
Woodreef	William Regan	1 Sept., 1861 ..	1 Sept., 1861 ..	200	Self, £100—two sureties, £50 each ..	Daniel Regan and Robt. Steward ..	25 Sept., 1861.
Woonona	Hy. Fox	1 Oct., 1859 ..	1 Oct., 1859 ..	200	Do. do. ..	Thos. Hall and Alfred Lorking ..	11 Oct., 1859.
Yarrawa	Bucknell	1 April, 1862 ..	1 April, 1862 ..	200	Do. do. ..	Geoffrey Eager and F. A. Bucknell ..	1 April, 1862.
MONEY ORDER DEPARTMENT.							
Superintendent ..	Robert Allen Hunt ..	1 July, 1833 ..	1 Oct., 1862 ..	4,000	Self, £2,000—two sureties, £1,000 each ..	Fitzwilliam Wentworth and George Hill ..	1 Oct., 1862.
Chief Clerk	Henry Reeve	June, 1851 ..	7 Oct., 1862 ..	1,000	Self, £500—two sureties, £250 each ..	John Brush and Edward Reeve ..	15 Jan., 1863.
Clerk	Robert Mackay	8 Oct., 1862 ..	8 Oct., 1862 ..	400	Self, £200, and guarantee of European Assurance Society.	The European Assurance Society ..	13 May, 1863.
Clerk	Ion Brown Bossley ..	26 Aug., 1861 ..	14 Dec., 1862 ..	400	Self, £200—two sureties, £100 each ..	Joseph B. Holdsworth and William Townly Pinhey.	15 Dec., 1862.
Messenger	James King	8 Oct., 1862 ..	8 Oct., 1862 ..	200	Self £100—two sureties, £50 each ..	Thomas M'Caffrey and William Brady ..	8 Oct., 1862.
STORES AND STATIONERY.							
None.							
GOVERNMENT PRINTER.							
Inspector of Stamps ..	Thomas Richards	7 Feb., 1845 ..	17 June, 1859 ..	1,000	Self, £500—two sureties, £250 each ..	William Hanson	15 June, 1859.
Accountant	Meredith Duke Ferguson ..	14 Oct., 1839 ..	25 Jan., 1851 ..	200	Self, £100—two sureties, £50 each ..	European Assurance Company ..	6 Sept., 1862.
						J. C. Cohen and B. B. Cohen ..	13 June, 1857.

SECURITIES GIVEN BY PUBLIC SERVANTS.

A RETURN, &c.—Continued.

SITUATION.	NAME.	DATE OF APPOINTMENT.		BOND.		NAMES OF SURETIES.	DATE WHEN BOND COMPLETED.
		To Public Service.	To Present Office.	Amount.	Particulars.		
GUNPOWDER MAGAZINE.							
	None.			£			
HEALTH OFFICERS.							
	None.						
QUARANTINE.							
	None.						
SHIPPING MASTERS.							
Accountant	James Flanagan	31 Dec., 1853 ..	31 Dec., 1853 ..	400	Self, £200—two sureties, £100 each ..	Edward Lane and Henry Burns	25 Mar., 1859.
ABATTOIR, GLEBE ISLAND.							
Inspector	Fredk. Oatley	1 June, 1849..	27 Aug., 1860 ..	1,000	Self, £500—two sureties, £250 each ..	Edward Flood and Jas. Oatley	10 June, 1863.
HARBOURS, LIGHT HOUSES, AND PILOT DEPARTMENT.							
Secretary, &c.	William Jas. Wilshire	1 May, 1855 ..	1 April, 1858 ..	500	Two sureties, £250 each	Austin F. Wilshire and R. Banbury	1 April, 1858.

SECURITIES GIVEN BY PUBLIC SERVANTS.

The Treasury, New South Wales,
22nd June, 1863.

T. W. SMART.

[*Price, 4d.*]

Sydney : Thomas Richards, Government Printer.—1863.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SECURITIES GIVEN BY PUBLIC SERVANTS.
(FURTHER RETURNS RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 14 July, 1863.

FURTHER RETURNS to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 29 August, 1862, That there be laid upon the Table of this House,—

“ A Return of all Persons in the Government Service who
“ have been required to give Security, with Sureties; stating
“ the Office held by each person respectively, the date of
“ each Appointment, the amount of Sureties required in each
“ case, the names of the Sureties, and when the Sureties in
“ each case were entered into; and of those who have not
“ yet completed their Bonds.”

(Mr. Holroyd.)

SECURITIES GIVEN BY PUBLIC SERVANTS.

DEPARTMENT OF PUBLIC WORKS—RAILWAY BRANCH.

RETURN OF OFFICERS REQUIRED TO GIVE SECURITY.

NAME.	OFFICE.	DATE OF APPOINTMENT.	AMOUNT OF SECURITY.	NAMES OF SURETIES.	DATE OF ENTERING INTO SECURITY.	NAMES OF OFFICERS CALLED UPON TO GIVE SECURITY.
Robert Cooper Walker ..	Accountant	15 Jan., 1861 ..	£ s. d. 1,000 0 0	Guarantee Policy in the European Assurance Society..	23 Oct., 1861 ..	
Chas. W. Eastwood ..	Clerk in Accountant's Office ..	18 Jan., 1860 ..	1,000 0 0	Ditto ditto	24 July, 1862 ..	
John Lievesley Beeston	{ Traffic Manager, Great Northern Railway }	1 July, 1859 ..	1,000 0 0	Ditto ditto	.. 21 Aug., 1862 ..	

*Railway Branch, Department of Public Works,
Sydney, 10 July, 1863.*

DEPARTMENT OF PUBLIC WORKS—ROAD BRANCH.

RETURN OF OFFICERS REQUIRED TO GIVE SECURITY.

NAME.	OFFICE.	DATE OF APPOINTMENT.	AMOUNT OF SECURITY.	NAMES OF SURETIES.	DATE OF ENTERING INTO SECURITY.	NAMES OF OFFICERS CALLED UPON TO GIVE SECURITY.
Stephen G. Shairp ..	Chief Clerk and Accountant ..	15 Jan., 1861 ..	£ s. d. 1,000 0 0	Guarantee Policy of the European Assurance Society..	13 May, 1863 ..	
Archibald J. Chisholm ..	Clerk.. .. .	16 April, 1860 ..	1,000 0 0	Ditto ditto	7 July, 1863 ..	

*Department of Public Works, Road Branch,
Sydney, 10 July, 1863.*

COLONIAL ARCHITECT'S DEPARTMENT.

RETURN OF OFFICERS REQUIRED TO GIVE SECURITY.

NAME.	OFFICE.	DATE OF APPOINTMENT.	AMOUNT OF SECURITY.	NAMES OF SURETIES.	DATE OF ENTERING INTO SECURITY.	NAMES OF OFFICERS CALLED UPON TO GIVE SECURITY.
James Barnett ..	Acting Colonial Architect ..	1 Nov., 1862 ..	£ s. d. 1,000 0 0	{ F. L. S. Merewether, Esq. E. T. Blacket, Esq. }	1 Nov., 1862 ..	{ No other Officers of the Department called upon to give Security.

DEPARTMENT OF PUBLIC WORKS—TELEGRAPH BRANCH.

RETURN of all persons in the Telegraph Department of the Government Service, who have been required to give Security, with Sureties, stating the Office held by each Person respectively; the date of each Appointment; the amount of Sureties required in each case; the names of the Sureties, and when the Sureties in each case were entered into; and the names of those who have been required to give Sureties, and when, and who have not yet completed their Bonds.

NAME OF OFFICER.	OFFICE.	DATES OF APPOINTMENTS.		When Security required.	Amount of Security.	NAMES OF SURETIES.	When Security entered into.	REMARKS.
		First Appointment under Colonial Government.	Present Appointment.					
P. B. Walker ..	Station Master, Sydney..	18 Feb., 1858 ..	11 Mar., 1853 ..	28 July, 1862 ..	£ 200	Francis Mitchell and John Hosking, Sydney.	5 May, 1863.	Bond completed.
John Muston ..	Accountant, do. ..	1 April, 1859 ..	1 Jan., 1862 ..	18 June, 1862 ..	1,000	Colonial Insurance Company	20 Nov., 1862.	Do.
P. M'Auliffe..	Money Order Clerk, do..	27 June, 1862 ..	27 June, 1862 ..	17 July, 1862 ..	500	W. H. Mullen, Maitland, A. B. Portus, Morpeth.	13 Nov., 1862.	Do.
J. R. Miles ..	Booking Clerk, do. ..	15 April, 1861 ..	13 May, 1861 ..	18 June, 1862 ..	200	European Assurance Company	24 July, 1862.	Do.
W. Bennett ..	Station Master, Armidale	1 Oct., 1861 ..	2 Feb., 1862 ..	18 June, 1862 ..	100	Do.	7 Aug., 1862.	Do.
Charles Kraegan ..	Do., Albury ..	11 Feb., 1858 ..	1 Dec., 1859 ..	2 Sept., 1861 ..	200	Do.	23 Oct., 1861.	Do.
Philip Mackel ..	Do., Berrima ..	1 Jan., 1860 ..	1 Sept., 1860 ..	18 June, 1862 ..	100	Do.	24 July, 1862.	Do.
A. G. Robins ..	Do., Braidwood ..	23 Sept., 1862 ..	23 Sept., 1862 ..	23 Sept., 1862 ..	100	Do. .. ..	.....	Removed to Armidale.
R. H. Hipsley ..	Do., Bathurst ..	11 Feb., 1858 ..	1 Jan., 1860 ..	2 Sept., 1861 ..	200	European Assurance Company	11 Oct., 1861.	Bond completed.
J. M. Beattie ..	Do., Deniliquin ..	1 Aug., 1861 ..	1 Aug., 1861 ..	18 June, 1862 ..	200	John Phillips and A. M'Cullough, Deniliquin.	23 Jan., 1863.	Do.
James Mackel ..	Do., Goulburn ..	1 Feb., 1858 ..	1 Feb., 1858 ..	18 June, 1862 ..	200	European Assurance Company	24 July, 1862.	Do.
R. Floyd ..	Do., Glen Innes ..	1 Oct., 1861 ..	1 Oct., 1861 ..	18 June, 1862 ..	100	Do.	2 Oct., 1862.	Do.
Colville Smith ..	Do., Gundagai ..	6 Nov., 1858 ..	1 Sept., 1860 ..	18 June, 1862 ..	200	Do.	24 July, 1862.	Do.
G. T. Harrison ..	Do., Hartley ..	Nov., 1855 ..	16 Oct., 1860 ..	18 June, 1862 ..	100	Do.	24 July, 1862.	Do.
John Kirwan ..	Do., Kiamba ..	1 Sept., 1861 ..	1 Sept., 1861 ..	18 June, 1862 ..	100	Do.	24 July, 1862.	Do.
Alexander Tucker ..	Do., Kiandra ..	25 May, 1859 ..	1 Oct., 1860 ..	18 June, 1862 ..	100	Do.	24 July, 1862.	Do.
James Pettit ..	Do., Murrurundi ..	3 Aug., 1858 ..	20 Aug., 1862 ..	20 Aug., 1862 ..	100	Do.	4 Sept., 1862.	Do.
John Wisdom ..	Do., Morpeth ..	20 Aug., 1860 ..	20 Aug., 1860 ..	18 June, 1862 ..	100	Do.	11 Dec., 1862.	Do.
William Read ..	Do., Muswellbrook	1 June, 1861 ..	1 Sept., 1862 ..	18 June, 1862 ..	100	S. S. Dickson and A. B. Portus, Morpeth	14 Nov., 1862.	Do. [Murrurundi.
G. T. Aldwell ..	Do., Mudgee ..	5 May, 1860 ..	15 May, 1861 ..	18 June, 1862 ..	200	European Assurance Company	14 Aug., 1862.	Bond given when Station Master at
M. H. Kelly ..	Do., Newcastle ..	8 May, 1858 ..	9 Jan., 1860 ..	2 Sept., 1861 ..	200	Do.	21 Aug., 1862.	Bond completed.
R. Pizey ..	Do., Orange ..	8 May, 1858 ..	1 May, 1861 ..	June, 1861 ..	100	Do.	24 Sept., 1861.	Do.
John Dalgarno ..	Do., Penrith ..	9 Jan., 1860 ..	21 Sept., 1861 ..	Nov., 1860 ..	100	Do.	22 Nov., 1861.	Do.
S. J. Watson ..	Do., Singleton ..	30 Aug., 1858 ..	1 Feb., 1861 ..	18 June, 1862 ..	100	Do.	21 Dec., 1860.	Do.
C. J. Smith ..	Do., Sofala ..	1 May, 1861 ..	1 May, 1861 ..	18 June, 1862 ..	100	Do.	4 Sept., 1862.	Do.
A. H. Fitz Roy ..	Do., Tenterfield ..	1 Oct., 1861 ..	1 Oct., 1861 ..	18 June, 1862 ..	100	Do.	31 July, 1862.	Do.
W. H. Maguire ..	Do., Tamworth ..	1 Jan., 1860 ..	5 Feb., 1862 ..	18 June, 1862 ..	100	Do.	10 April, 1863.	Do.
Edward Rouse ..	Do., Tumut ..	1 Aug., 1860 ..	17 Dec., 1861 ..	18 June, 1862 ..	100	W. Maguire and J. W. Davison, Sydney..	17 Nov., 1862.	Do.
E. D. Scott ..	Do., Urana ..	7 Oct., 1860 ..	18 Aug., 1861 ..	18 June, 1862 ..	100	European Assurance Company	21 Aug., 1862.	Do.
William Wilson ..	Do., Yass ..	1 Nov., 1858 ..	1 Oct., 1861 ..	18 June, 1862 ..	200	Do.	21 Aug., 1862.	Do.
W. T. Lee ..	Do., W. Maitland...	1 Feb., 1860 ..	1 Feb., 1860 ..	18 June, 1862 ..	200	Do.	18 Sept., 1862.	Do.
Robert S. Arnott ..	Do., Wollombi ..	1 Aug., 1862 ..	1 Aug., 1862 ..	1 Aug., 1862 ..	100	John Covill, Balmain	16 Nov., 1862.	Do.
C. N. Ambrose ..	Do., Windsor ..	4 Dec., 1860 ..	8 May, 1861 ..	18 June, 1862 ..	200	European Assurance Company	23 Oct., 1862.	Do.
A. M'Cracken ..	Do., Wagga Wagga	1 May, 1861 ..	1 May, 1861 ..	18 June, 1862 ..	100	Do.	4 Sept., 1862.	Do.
R. C. Wills ..	Do., Wollongong..	9 Dec., 1858 ..	31 July, 1862 ..	31 July, 1862 ..	100	Do.	14 Aug., 1862.	Do.
W. A. F. Maunder ..	Do., Windeyer ..	7 July, 1862 ..	7 July, 1862 ..	7 July, 1862 ..	100	Colonial Insurance Company	1 Sept., 1862.	Do.
Charles Cooper ..	Do., Wellington ..	4 Sept., 1862 ..	4 Sept., 1862 ..	4 Sept., 1862 ..	100	European Assurance Company	16 Oct., 1862.	Do.
						Do.	9 Oct., 1862.	Do.

SECURITIES GIVEN BY PUBLIC SERVANTS.

Electric Telegraph Office,
6th October, 1862.

EDWD. CHAS. CRACKNELL,
Supt. of Telegraphs.

SECURITIES GIVEN BY PUBLIC SERVANTS.

LAW DEPARTMENTS—SHERIFF.

RETURN of all persons in the Department of the Sheriff who have been required to give Security with Sureties.

NAME.	OFFICE.	DATE OF APPOINTMENT.	AMOUNT OF SURETIES.	NAMES OF SURETIES.	WHEN SURETIES ENTERED INTO.
George Uhr	Sheriff	17 April, 1861 ..	£ 1,000	Andrew Lenchan, Sydney ..	17 April, 1861.
John Phelan	Under Sheriff	17 April, 1861 ..	500	William S. Spain, Sydney ..	} 26 Dec., 1861.
				Frederick W. Perry, Sydney ..	
				Edward H. Weston, Horsley ..	
<i>Bailiffs receiving Salaries.</i>					
Thomas Brown ..	Sydney ..	7 July, 1848 ..	750	William Long, Sydney ..	} 9 May, 1861.
				Peter W. Plomer, Sydney ..	
Edmund C. Brewer ..	Do. ..	Sept., 1849 ..	*250	George Wilkie, Sydney ..	} 3 July, 1861.
William Reardon ..	Do. ..	9 Jan., 1859 ..	*250		
William Thomas ..	Do. ..	10 Aug., 1860 ..	250		
John Brown	Parramatta ..	25 Feb., 1855 ..	500		
John Kingsmill ..	Maitland ..	30 Sept., 1832 ..	500	John Fulton, Parramatta ..	} 20 May, 1861.
				James Gallaway, Parramatta ..	
Thomas Jones ..	Bathurst ..	1 July, 1848 ..	500	John A. Turner, Maitland ..	} 23 May, 1861.
				Isaac Gorrick, Maitland ..	
James Riley	Goulburn ..	12 Jan., 1848 ..	250	Nicholas Read, Bathurst ..	} 3 July, 1861.
				Henry Blunden, Bathurst ..	
James Prout	Sofala ..	20 Dec., 1852 ..	500	Joseph Bull, Goulburn ..	} 29 May, 1861.
				John J. Woodward, Goulburn ..	
Robert G. Kingsmill ..	Muswellbrook	17 April, 1862 ..	†250	Joseph Walford, Sofala ..	} 3 June, 1861.
Evan Richards ..	Mudgee ..	27 May, 1861 ..	200	Robert M. Brown, Sofala ..	
Alfred Witts	Bombala ..	12 June, 1861 ..	200	John Knox, Mudgee ..	} 27 May, 1861.
				Thomas Chappell, Mudgee ..	
Edward P. Samson ..	Grafton ..	26 Mar., 1862 ..	200	William Coulter, Bombala ..	} 12 June, 1861.
				John Groves, Bombala ..	
Thomas W. Harvey ..	Gundagai ..	28 April, 1862 ..	200	Lewis S. Loewenthal, Grafton ..	} 26 Mar., 1862.
				Wm. Branch Campbell, Balmain	
				Henry Russell, Gundagai ..	} 28 April, 1862.
				John W. Fry, Gundagai ..	
<i>Bailiffs paid by Fees.</i>					
Thomas Barclay ..	Braidwood ..	13 Jan., 1862 ..	200	James Malone, Braidwood ..	} 13 Jan., 1862.
				Angus Weston, Braidwood ..	
Joseph J. Morris ..	Molong ..	24 June, 1861 ..	200	George Tweedie, Braidwood ..	} 24 June, 1861.
				Edward W. Moon, Molong ..	
Wm. P. Macdermott ..	Hartley ..	27 May, 1861 ..	200	Joseph T. Parslow, Molong ..	} 27 May, 1861.
				Patrick Finn, Hartley ..	
Patrick Madden ..	Wellington ..	1 June, 1861 ..	200	James M'Coy, Hartley ..	} 1 June, 1861.
				Samuel Curtis, Wellington ..	
William Frost ..	Wollongong ..	24 May, 1861 ..	200	Henry Pike, Wellington ..	} 24 May, 1861.
				Patrick Larkin, West Dapto ..	
Hayward Lever ..	Queanbeyan	3 Jan., 1862 ..	200	William Fitzgerald, Brandy-and-water Creek ..	} 3 Jan., 1862.
				John J. Wright, Queanbeyan ..	
				Andrew Morton, Queanbeyan ..	

* Bonds not completed yet. These bailiffs have charge of the Courts, and summon jurors, which duties do not involve the charge of money.
 † New appointment in room of George Smith, deceased. Bond not yet completed.

GEO. UHR,
 Sheriff.

18/9/62.

LAW DEPARTMENTS—DISTRICT COURTS.

RETURN of all persons in the District Courts who have been required to give Security, with Sureties, stating the Office held by each person respectively, the date of each Appointment, the amount of Sureties required in each case, the names of the Sureties, and when the Sureties in each case were entered into, and of those who have not yet completed their Bonds.

THE OFFICE HELD BY EACH PERSON.	The Date of each Appointment.	The Amount of Sureties required in each case.	THE NAMES OF THE SURETIES.	When the Sureties in each case were entered into.	
METROPOLITAN AND COAST DISTRICT.					
REGISTRARS.					
Sydney { Alexander Charles ..	1 Feb., 1859	{ Himself, and } two sureties, in } bond for £500.	Charles Morrison and William Hardy ..	1 Feb., 1860.	
George Swinerton ..					
Parramatta—George Langley ..	1 Feb., 1859	Ditto	Michael Caffrey and Robert Redman ..	1 Feb., 1860.	
Liverpool—George White ..	6 Mar., 1860		John Blaxland and Andrew L. M'Dougall ..	8 Mar., 1860.	
Campbelltown—George White ..	22 Mar., 1859	} Registrars and } two sureties, } each in the } sum of £250, } jointly and } severally.	Henry Rose and Reuben Rose ..	29 May, 1859.	
Windsor—George Augustus Gordon	22 Mar., 1859			Henry Rose and Reuben Rose ..	4 May, 1859.
Penrith—Richard Brooks ..	22 Mar., 1859			William M'Quade and William Town ..	29 May, 1859.
Camden and Picton—John B. Martin ..	22 Mar., 1859			James John Riley and Richard W. Cox ..	29 May, 1859.
Wollongong—Alfred Allatson	22 Mar., 1859		Alexander Martin and Charles Bland Lowe ..	4 May, 1859.	
Turner	26 Mar., 1859		Charles T. Smith and Benjamin Marshall ..	4 May, 1859.	
Kiama—Henry Connell ..	1 June, 1863		Henry Connell and Henry Day ..	1 July, 1863.	

SECURITIES GIVEN BY PUBLIC SERVANTS.

LAW DEPARTMENTS—DISTRICT COURTS—Continued.

THE OFFICE HELD BY EACH PERSON.	The Date of each Appointment.	The Amount of Sureties required in each case.	THE NAMES OF THE SURETIES.	When the Sureties in each case were entered into.	
METROPOLITAN AND COAST DISTRICT—Continued.					
REGISTRARS—continued.					
Nowra—William Lovegrove ..	15 Oct., 1861	} Registrars and Bailiffs, with two sureties, each in the sum of £250, jointly and severally.	William Hood Wason and James Hartwell Williams	15 Oct., 1861.	
Moruya—William Stewart Caswell	15 Oct., 1861		Henry Clarke and William Truman Collett ..	15 Oct., 1861.	
Eden—Patrick J. Murray ..	26 Mar., 1859		T. A. Murray and Augustus Gibbes ..	4 May, 1859.	
BAILIFFS.					
Sydney { John Mackinlay ..	3 July, 1860		Francis Cunningham and James Noill ..	9 July, 1860.	
{ Denis Culhanè ..	1 Feb., 1859		Patrick Freehill and James O'Neill ..	3 Feb., 1859.	
{ Henry Macdonald ..	1 April, 1859		Michael M'Mahon, senr., and Michael M'Mahon, junr. ..	1 May, 1859.	
{ James Mayhew ..	16 Mar., 1863		T. S. Lockhart and G. C. Cooke ..	3 June, 1863.	
Parramatta—Henry Madden ..	1 April, 1859		Hugh Taylor and Denis Murphy ..	20 April, 1861.	
Liverpool—H. B. Beresford ..	1 Dec., 1859		Stephen Pearce and G. H. Curtis ..	1 Nov., 1862.	
Campbelltown—Denis O'Brien ..	1 May, 1862	Martin M'Guane and Edward Fitzgerald ..	1 May, 1862.		
Windsor—John Laverack ..	16 Oct., 1859	John Wood and Richard William Cobcroft ..	16 Oct., 1861.		
Penrith—John Price ..	16 Oct., 1859	William Mark and William Durham Matthews ..	16 Oct., 1862.		
Camden—William Dawson ..	16 Oct., 1861	William Bell and Thomas Dawson ..	16 Oct., 1861.		
Picton—Edwin Bamford ..	1 Oct., 1862	Charles Bamford and John Plows ..	1 Oct., 1862.		
Wollongong—William Frost ..	16 Oct., 1861	William James and Patrick Hannan ..	1 Aug., 1862.		
Kiama—Cornelius Leggatt ..	16 Oct., 1861	J. Price and C. Sharp ..	Bond not executed. Sureties approved.		
Nowra—Christopher Murray ..	1 Sept., 1862	Michael Hyam and James Graham ..	1 Sept., 1862.		
Moruya—John M'Alister ..	1 Dec., 1861	Michael Stormon and James Lynch ..	1 Dec., 1861.		
Eden—John W. Walker ..	16 Oct., 1861	George Barclay and Solomon Solomons ..	14 Aug., 1862.		
SOUTHERN DISTRICT.					
REGISTRARS.					
Goulburn { Temple F. S. Nathan ..	1 Feb., 1859	} Principal and two sureties, £250, jointly and severally.	European Assurance Society, Sydney ..	1 Feb., 1859.	
{ C. S. Alexander (Deputy) ..	14 Feb., 1862		W. Wright and C. H. Woolcott ..	12 May, 1863.	
Berrima—George Henry Rowley ..	12 Sept., 1860		William Purves and James Douglass ..	12 Sept., 1860.	
Braidwood—Ralph Clemenger ..	14 Jan., 1862		W. Conolly and C. H. Walsh ..	6 Nov., 1862.	
Queanbeyan—Peter White ..	24 Feb., 1863		Charles D'Apice and Edward White ..	26 June, 1863.	
Yass—John Stiles ..	1 Feb., 1859		N. R. Besnard and Thomas Laidlaw ..	4 May, 1859.	
Cooma—Robert Dawson ..	26 Mar., 1859		Maurice Harnett and Francis Smith ..	24 Mar., 1862.	
Young—James Richard Edwards ..	26 Aug., 1862		R. H. Fitzsimmons and Robert Wood Hatton ..	26 Aug., 1862.	
BAILIFFS.					
Goulburn—John M'Alister ..	1 Mar., 1859		Joseph Ball, senr., and John Lord ..	1 Mar., 1862.	
Berrima—R. N. Matthews ..	10 Mar., 1862	John Jennings and Francis Been ..	12 Mar., 1862.		
Braidwood—Thomas Barclay ..	1 Jan., 1862	James Garnett and Richard Smith ..	1 Jan., 1862.		
Queanbeyan—Hayward Lever ..	1 May, 1863	John James Wright and Andrew Morton ..	1 May, 1863.		
Yass—Robert Ledger ..	1 Oct., 1862	European Assurance Society, Sydney ..	9 June, 1863.		
Cooma—James William Abbot ..	2 Mar., 1862	William Sturgeon and Chas. Solomons ..	Sureties approved. Bond not executed.		
Young—Alfred Godfrey ..	1 July, 1863	Samuel Matthews and Richard Deely ..	1 July, 1863.		
SOUTH-WESTERN DISTRICT.					
REGISTRARS.					
Albury { Henry Sherman Elliott ..	23 May, 1862	} Principal and two sureties, £250, jointly and severally.	J. W. Jones and James Thomas Fallon ..	23 May, 1862.	
{ Edward Brown (Deputy) ..	23 May, 1862		European Assurance Society, Sydney ..	9 July, 1863.	
Tumut—John Francis Blake ..	10 June, 1862		John H. T aylour and Edward Apps Smith ..	25 May, 1863.	
Gundagai—Alfred C. S. Rose ..	8 Aug., 1859		Robert Cooke and Granville Robert Murray Collins ..	26 Dec., 1862.	
Wagga Wagga—James Shelby ..	11 July, 1862		European Assurance Society ..	4 Feb., 1863.	
Deniliquin—M. A. M'Kenna ..	15 Oct., 1861		J. Tyson and T. Robertson ..	7 Nov., 1862.	
Hay—James Forsyth ..	30 Sept., 1862		James Molison and John Black ..	1 Oct., 1862.	
BAILIFFS.					
Albury—Charles L. Darvall ..	15 Mar., 1862		Samuel C. V. North and Charles Burcher ..	18 Mar., 1863.	
Tumut—Martin Dwyer ..	18 Oct., 1861		William Hayden and Edward Morris ..	10 May, 1863.	
Gundagai—Thomas W. Harvey ..	1 July, 1861	Alfred Besson and David Winlow ..	12 Feb., 1863.		
Wagga Wagga—Richard John Whiteford ..	1 Mar., 1863	European Assurance Society ..	21 May, 1863.		
Deniliquin—James Willoughby ..	21 Mar., 1862	James Taylor and Donald Cameron ..	15 April, 1863.		
Hay—(Vacant.)					
WESTERN DISTRICT.					
REGISTRARS.					
Bathurst—Thomas Charles Gore ..	1 Feb., 1859	} Principal and two sureties, £250, jointly and severally.	Samuel North and Walter Heaven ..	4 May, 1859.	
Hartley—Thomas Brown ..	7 Feb., 1859		John Maxwell and Archibald Campbell ..	7 Feb., 1859.	
Mudgee—George Warburton ..	1 Aug., 1860		Silvester B. Warburton and William Speer ..	1 Aug., 1860.	
Dubbo—Luke M'Guinn ..	1 Nov., 1861		Dennis M'Guinn and Duncan M'Killop ..	29 Oct., 1862.	
Wellington—Frederick Marsh ..	14 April, 1862		Joseph Aarons and C. G. T. Chauvel ..	17 April, 1862.	
Orange—W. T. Evans ..	7 Feb., 1859		James Dale and John Tom Lane ..	1 June, 1863.	
Sofala—Hugh Bridson ..	1 Nov., 1861		Joseph Walford and Thomas O'Reilly ..	1 Nov., 1862.	
Forbes—W. F. Parker ..	7 Oct., 1862		European Guarantee Society, Sydney ..	9 Jan., 1863.	
BAILIFFS.					
Bathurst—Joseph Henry Barsden ..	1 April, 1859		} Principal and two sureties, £250, jointly and severally.	Edward Patteson and Joseph Ainsworth ..	1 Aug., 1859.
Hartley—William Patrick M'Dermott ..	1 April, 1859	Patrick Finn and James M'Coy ..		8 Aug., 1859.	
Mudgee—Evan Richards ..	1 April, 1859	G. E. Shettle and H. Dean ..		1 April, 1862.	
Dubbo—Adam C. Taylor ..	10 Aug., 1862	Thomas Fanning and Aaron Clewes ..		25 Nov., 1862.	
Wellington—Patrick Madden ..	7 Mar., 1860	Alfred Duckett and John Smith ..		27 June, 1862.	
Orange—John Smith ..	1 April, 1859	John Woodward and Edward Nicholls ..		1 April, 1859.	
Sofala—William James Bradshaw ..	1 Oct., 1862	J. R. Maxwell and T. O'Connor ..		27 Feb., 1863.	
Forbes—John Higgins ..	1 Sept., 1862	Thomas Morris and Keiran Cummings ..		1 Sept., 1862.	

LAW DEPARTMENTS—DISTRICT COURTS—Continued.

THE OFFICE HELD BY EACH PERSON.	The Date of each Appointment.	The Amount of Sureties required in each case.	THE NAMES OF THE SURETIES.	When the Sureties in each case were entered into.	
REGISTRARS.					
HUNTER RIVER DISTRICT.					
East and West Maitland { Augustus Carter .. Robert Fenwick (Deputy) ..	1 Feb., 1859	Principal and two sureties, £250, jointly and severally.	Matthew Henry Stephen and W. H. Mullen ..	4 May, 1859.	
Newcastle—Henry Baker ..	8 Mar., 1860		B. Lee, junr., and Edwd. P. Capper	4 Oct., 1859.	
Singleton—William Dudding ..	1 May, 1859		T. C. S. McDonall and Edward Parnell	8 Mar., 1860.	
Muswellbrook—John O'Meara ..	1 Mar., 1859		T. C. S. McDonall and Henry Glennie	15 Sept., 1862.	
Scone—James Wilshire ..	1 Sept., 1862		William Cox and Thomas Loxton	4 May, 1859.	
Murrurundi—George Brodie ..	1 May, 1859		Austen Forrest Wilshire and Henry Whittel ..	1 Sept., 1862.	
Paterson—Robert Studdert ..	1 May, 1859		Alexander Brodie and David Watt	4 May, 1859.	
Dungog—Henry Gordon ..	15 Oct., 1861		James M'Cormack and C. Reynolds	4 May, 1860.	
Wollombi—J. Brooks ..	1 Oct., 1862		Robert Lloyd Alison and John Kenneth Mackay	15 Oct., 1862.	
				Henry Cox and E. Druiitt	1 Oct., 1862.
BAILIFFS.					
E. Maitland—Thomas Henry Jones	1 Feb., 1862	Principal and two sureties, £250, jointly and severally.	J. Hackett and J. A. Portus	1 Feb., 1862.	
W. Do.—Thomas Henry Jones	1 April, 1859		T. Jones and T. Cordell	1 April, 1859.	
Newcastle—Walter Smith ..	1 Feb., 1862		C. Whittaker and C. Atkins	21 June, 1862.	
Singleton—Christian Poppenhagen	1 April, 1859		James Rigner and William Kellermann	20 April, 1859.	
Muswellbrook—John H. Oakes ..	1 April, 1859		Hugh M'Auley and John Danford	17 May, 1859.	
Scone—James Dodds ..	1 Jan., 1862		Nathaniel Frederick Asser and Gilbert Johnstone	1 Jan., 1862.	
Murrurundi—John Williams ..	1 April, 1859		Henry Wheeler and William Nicholls	11 June, 1860.	
Paterson—Arthur Coleman ..	1 Mar., 1859		James H. M'Ginnis and Stephen Stanhope ..	25 Mar., 1859.	
Dungog—Thomas Burrage ..	17 Oct., 1861		Patrick M'Mallan and Benjamin Marsh	17 Oct., 1861.	
Wollombi—Thomas Scott Townshend ..	1 Feb., 1862			Henry Crothers and George Smyth	1 Feb., 1862.
REGISTRARS.					
NORTHERN DISTRICT.					
Armidale { Robert Issell Perrott .. Sydney Blythe (Deputy) ..	1 July, 1861	Principal and two sureties, £250, jointly and severally.	E. B. Cornish and G. S. Caird	15 Oct., 1862.	
Tamworth—John M'Donald ..	1 July, 1863		Sureties called for, but not yet named .. ..	.....
Wingham—Jasper Creagh ..	1 Mar., 1859		John Gill and William Morris	27 June, 1859.	
Port Macquarie—Frederick Becke	15 Oct., 1861		Joseph Bates and Henry John Cornish	15 Oct., 1861.	
West Kempsey—J. B. Casey ..	1 May, 1859		Edye Manning and Edwin T. Beilby	4 May, 1859.	
Grafton—James Page ..	15 Oct., 1861		J. H. Williams and Robert Henry Newman ..	30 April, 1863.	
Glen Innes—George Coblely ..	18 June, 1860		Daniel Mores and David Kirk	12 June, 1863.	
Tenterfield—James Arbouin ..	4 Nov., 1862		R. K. C. Robertson and A. J. Macinnes ..	Sureties approved. Bond not returned.	
	14 May, 1863			George Wilson and Eugene O'Connell	15 May, 1863.
BAILIFFS.					
Armidale—Charles Henry Moore ..	18 Oct., 1862	Principal and two sureties, £250, jointly and severally.	J. Moore and J. Trim	27 Nov., 1862.	
Tamworth—James Dwyer ..	10 Feb., 1863		P. J. Coghlan and Daniel Regan	25 Feb., 1863.	
Wingham—Henry M'Cabe ..	19 Sept., 1862		George Gordon and Richard George	19 Sept., 1862.	
Port Macquarie—Henry Frederick Brown ..	1 May, 1859		Joseph Rowsell and Joseph Basker Knight ..	1 Aug., 1862.	
West Kempsey—Clement Porter ..	25 Nov., 1861		Alexander Brock and William Henry Thomson ..	12 July, 1862.	
Grafton—Edward Phillip Sampson ..	10 Mar., 1862		Norman Cowan and William Cowan	12 June, 1863.	
Glen Innes—J. B. Winstanley ..	1 Dec., 1861		George Coblely and Finlay M'Innes	8 Aug., 1862.	
Tenterfield—Henry Bachfield ..	27 Oct., 1862			Sureties not approved, others called for

RETURN from the Prothonotary and Curator of Intestate Estates, in reference to Security required to be given to the Government from the Department.

The Name and Office held.	Date of Appointment.	The Amount of Sureties.	The Names of Sureties.	When Sureties entered into.
David Bruce Hutchinson, Prothonotary and Curator of Intestate Estates	1 February, 1862 ..	£ s. d. 2,000 0 0	European Assurance Society, Sydney	9 April, 1863.

D. B. HUTCHINSON,
Prothonotary and Curator.

RETURN

SECURITIES GIVEN BY PUBLIC SERVANTS.

7

LAW DEPARTMENTS—INSOLVENCY BRANCH.

RETURN of all persons in the Insolvency Department who have been required to give Security, with Sureties; shewing the Office held by each such person respectively, the date of each Appointment, the amount of Sureties required in each case, the names of the Sureties, and when the Sureties in each case were entered into; and of those who have not yet completed their Bonds.

NAMES OF OFFICERS.	NAMES OF OFFICES.	DATES OF APPOINTMENTS.	AMOUNTS OF SURETIES.	NAMES OF SURETIES.	DATES OF BONDS.	REMARKS.
John Piper Mackenzie..	Official Assignee	Nov., 1855 ..	£ 2,000 2,000 2,000	John Piper Mackenzie .. James Norton .. George Kenyon Holden.	28 Nov., 1855	*Deceased, Sept., 1862.
Frederick William Perry	Official Assignee	Dec., 1854 ..	2,000 1,000 500	Frederick William Perry Thomas Woolley .. Hugh Dixon ..	9 Dec., 1856	†Deceased, Feb., 1858. Assigned his estate under 7 V., No. 19.
Robert Hamilton Sempill	Official Assignee	Mar., 1860 ..	2,000 500 500	Robert Hamilton Sempill. Andrew Hardie M'Culloch Charles Newman Furlong.	7 Mar., 1860	Disqualified, 1860; substituted as below.
John Morris	Official Assignee	Mar., 1843 ..	500 500 1,000 1,000 1,000	Joshua Richmond Young. George Wilkie.....	3 Oct., 1860	Substituted for C. N. Furlong.
John Morris	Official Assignee	Mar., 1843 ..	2,000 500 500 1,000 1,000 1,000	John Morris..... Robert Johnson. Richard Johnson. Samuel Peek .. Abraham Polack .. Francis Mitchell..... John Fairfax.	3 July, 1854 10 Oct., 1860	Deceased. } substituted Disqualified. } as below. Substituted for Saml. Peek and Abraham Polack.
Enoch William Booty ..	Bailiff and Mes- senger.	May, 1860 ..	50 50 50	Enoch William Booty .. William Parsons. James Partridge.	13 July, 1860	

* Security incomplete. Mr. Mackenzie has been required to find a substitute or substitutes.
† Security incomplete. Mr. Perry has been required to find one or more substitutes.

ARCHIBALD CAMPBELL,
Registrar in Insolvency.

Sydney, 18 September, 1862.

CLERKS OF PETTY SESSIONS.

OFFICE.	NAME OF OFFICER.	DATE OF APPOINTMENT.	AMOUNT OF SECURITY.	NAMES OF SURETIES.	WHEN SECURITY ENTERED INTO.
Clerk of Petty Sessions—					
Albury	Edward Brown	10 June, 1862	The amount of security given by the Clerks of Petty Sessions is the same, viz.: £100, with two sureties jointly and severally bound, except in Sydney—Central Police Office, and Water Police Office—where the security given is £250 each.	Lawrence Joseph Spyer	} 10 June, 1862.
Armidale	Sydney Blythe	1 July, 1863		Henry Joseph Brown	
Balranald	Alfred B. Burne	13 July, 1860		Names of sureties required, but not yet received.	
Bathurst	Frederick J. Naylor	15 Nov., 1858		Thomas Harrison Sparkes	} 13 July, 1860.
Berrima	George H. Rowley	6 Sept., 1860		Nicholas Chadwick	
Bombala	Alexander Nisbet	18 June, 1863		John Findlater Clements, J.P. Richard Machattie, J.P.	} 12 Jan., 1860.
Bourke	Henry Charles Bobart	22 May, 1863		Rev. William Purves	
Braidwood	R. Clemenger	17 Jan., 1862		James Douglass	} 6 Sept., 1860.
Bundarra (Acting)	George Gregory	19 Mar., 1863		Alexander Brown	
Burrowa	W. J. E. Wotton	17 Jan., 1862		James Coombes	} Sureties approved, and the Crown Solicitor instructed to procure the execution of the bond.
Camden	John B. Martin	1 Sept., 1852		John Taylor .. ..		} Do.
Campbelltown.. .. .	George White	16 Jan., 1856		Rev. James Carter	
*Carcoar	L. V. Dulhunty	1 May, 1859		W. Connolly	} 11 Mar., 1862.
Casino	Charles Moore	1 Mar., 1854		C. H. Walsh	
				Names of sureties required, but not yet received.	} 24 April, 1862.
			European Assurance Com- pany		
			Alexander Martin	} 13 Mar., 1855.	
			Charles Bland Lowe		
			Joseph Leary	} 31 May, 1862.	
			George Tabor		
			T. A. Murray	} 1 June, 1862.	
			E. B. Cornish		
			Samuel Moore	} 5 Aug., 1854.	
			Frederick George Moore		

* Appointed Police Magistrate, under the Clerk of Petty Sessions Act, 20 Victoria, No. 32.

SECURITIES GIVEN BY PUBLIC SERVANTS.

CLERKS OF PETTY SESSIONS—Continued.

OFFICE.	NAME OF OFFICER.	DATE OF APPOINTMENT.	AMOUNT OF SECURITY.	NAMES OF SURETIES.	WHEN SECURITY ENTERED INTO.
Clerk of Petty Sessions— Cassilis	John Morris	17 Oct., 1854	The amount of security given by the Clerks of Petty Sessions is the same, viz.: £100, with two sureties jointly and severally bound, except in Sydney—Central Police Office, and Water Police Office—where the security given is £250 each.	Frederick Charles Lambe	6 Dec., 1861.
Condobolin	Richard B. Mitchell	28 Aug., 1859		James Piper	1 Sept., 1859.
Cooma*	Robert Dawson	5 Jan., 1847		C. Mitchell W. C. Uhr	
Coonabarabran	James Thomas Robertson	1 May, 1863		Robert Cassels Francis Smith	29 Sept., 1856.
Corowa	Colin C. Pentland	26 April, 1862		Hon. John Robertson J. R. B. Robertson	Sureties approved, and the Crown Solicitor instructed to procure the execution of the bond.
Deniliquin	Michael A. M'Kenna	1 June, 1860		John Ford Montague Levy, J.P. .. .. .		26 April, 1862.
Dubbo	Luke M'Guinn	1 Nov., 1861		James Tyson Thos. Robertson	20 Sept., 1861.
Dungog	Henry Gordon	1 May, 1859		Rev. Denis M'Guinn Duncan M'Killop	23 Dec., 1861.
Eden	John M. Walker	8 Aug., 1860		Peter M'William William Aldrich	2 May, 1859.
Forbes	W. F. Parker	26 April, 1862		Henry Wren, J.P. George Barclay, J.P.	14 Sept., 1860.
Glen Innes	Alexr. Octave Wyatt	13 May, 1854		The Revd. Jno. Dunmore Lang Jno. Harland	29 April, 1862.
Gosford	Thos. C. Battley	8 Aug., 1843		Philip Ditmas W. Rawson	12 April, 1858.
Goulburn	C. S. Alexander	1 Feb., 1862		David Young Barron George Keene	21 Feb., 1861.
Grafton	W. H. H. Becke	1 Aug., 1857		William Wright Chas. Hy. Woolcott	1 Feb., 1862.
Gundagai	David Smith	1 Jan., 1848		William Small, J.P. Jeremy Moore Marsh	2 Dec., 1861.
Gunnedah	Thomas Forster	4 Nov., 1859		David Winton Frederick Gasse	3 Dec., 1861.
Hargraves (Louisa Creek)	John Murphy	13 July, 1860		C. W. Lloyd John Fairfax	3 Jan., 1863.
Hartley*	Thomas Brown	1 Jan., 1858		J. Murphy W. J. Foster	27 Mar., 1861.
Hay	James Forsyth	30 Sept., 1862		John Maxwell Archibald Campbell	16 Dec., 1861.
Kempsey (Macleay River)	John B. Casey	1 June, 1860		James Mollison John Black	30 Sept., 1862.
Kiama	Henry Connell, junr.	1 June, 1863		James Hartwell Williams Robert Wm. Newman	2 Jan., 1862.
Maitland	Robert Fenwick	1 Mar., 1859		Henry Connell Henry Day	Sureties approved, and the Crown Solicitor instructed to procure the execution of the bond.
Moama	George Maunsell	20 Nov., 1860		J. W. Tucker Alexr. Falls .. .. .		1 Mar., 1859.
Molong	John J. Davies	31 Oct., 1859		Henry Lane J. Lane	20 Nov., 1860.
Moruya*	William S. Caswell	1 Aug., 1857		John Robertson S. D. Gordon	31 Oct., 1860.
Mudgee*	George Warburton	13 July, 1860		William Truman Collett Edward Boot	26 Nov., 1861.
Murrurundi	George G. Brodie	12 Oct., 1858		William Speer Silvester Berrell Warburton	17 Nov., 1860.
Muswellbrook	John O'Meara	2 Mar., 1859		Alexander Brodie David Watt	11 Oct., 1858.
Narrabri	J. W. A. White	20 Feb., 1863		William Brady Richard Cleary	22 Mar., 1859.
Nerrigundah (Gulph Creek)	A. Nordblad	3 June, 1862		Thomas Dangar William Jones	20 Feb., 1863.
Newcastle	Henry Baker	1 April, 1852		Thomas Dawson William Blaxland	4 June, 1862.
Orange	William Tucker Evans	20 April, 1851		Simon Kemp Edward Parnell	29 Nov., 1861.
Parramatta	George Langley	6 Mar., 1860		George Forbes Edward George Clerk	15 Oct., 1851.
Patterson	Robert Studdert	12 June, 1840	John Blaxland Andrew Louis M'Dougall	8 Mar., 1860.	
Penrith	Richard Brooks	1 Oct., 1854	Edward Gostwyck Cory John Dowling Brown	26 July, 1856.	
Port Macquarie	Frederick Becke	27 May, 1853	Edward King Cox Edward Druitt	1 Mar., 1858.	
Queanbeyan	Peter White	24 Feb., 1863	Edye Manning Edwin Thomas Beilby	21 June, 1853.	
Raymond Terrace	Alfred H. Jacob	10 Mar., 1852	C. D'Apice E. White	3 June, 1863.	
Ryde (acting)	George Miller Pope	18 June, 1863	William M'Pherson Robert Jacob	9 May, 1856.	
				Paul Benson George Pope	Sureties approved, and the Crown Solicitor instructed to procure the execution of the bond.

* Appointed Police Magistrate under the Clerk of Petty Sessions Act, 20 Victoria, No. 32.

SECURITIES GIVEN BY PUBLIC SERVANTS.

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CLERKS OF PETTY SESSIONS—Continued.

OFFICE.	NAME OF OFFICER.	DATE OF APPOINTMENT.	AMOUNT OF SECURITY.	NAMES OF SURETIES.	WHEN SECURITY ENTERED INTO.
Rylstone	William W. Armstrong ..	1 July, 1854	The amount of security given by the Clerks of Petty Sessions is the same, viz.: £100, with two sureties, jointly and severally bound, except in Sydney—Central Police Office, and Water Police Office—where the security given is £250 each.	Richard Wm. Cox	8 July, 1863.
Scone	J. T. Wilshire	1 Aug., 1857		George Tailby	
Shoalhaven	William Lovegrove	1 Jan., 1857		Austin Forrest Wilshire	1 Sept., 1862.
Singleton	William Dudding	23 Sept., 1854		Henry Rawes Whittell	
Sofala	Hugh Bridson	31 May, 1856		James Hartwell Williams	9 Jan., 1857.
Stroud	T. Laman	12 April, 1859		Edye Manning	
Sydney (Central Police Office)	Wm. D. Meares	1 June, 1863		William Wilson	30 Oct., 1854.
Do. (Water Police Office)	William Crane	1 April, 1861		Joseph Chambers	
Tamworth	Jno. McDonald	1 Sept., 1858		Thomas Barker	31 May, 1856.
Tenterfield	Thos. Mountsteven Wright	1 July, 1850		Horatio Tozer	
Tumut	J. F. Blake	10 June, 1862		E. C. Laman	12 April, 1859.
Ulladulla (Acting)	J. V. Wareham	19 Mar., 1863		T. Nichols, J.P.	
Uralla	F. Dalton	13 July, 1860		Names of sureties required, but not yet received	23 May, 1861.
Wagga Wagga	James Shelley	11 July, 1862		Jno. Fairweather	
Walcha and Bendemeer	G. A. Buckland	1 July, 1863		Asher Day	Sureties approved, and the Crown Solicitor instructed to procure the execution of the bond. Renewal of bond.
Warialda	L. Yates	10 July, 1862		J. C. Harrison	
Wee Waa*	Chas. E. Smith	1 May, 1859		T. Lindesay	30 May, 1851.
Wellington	Fredk. Marsh	13 July, 1860		George Higgins Barney	
Wentworth*	Henry Burne	13 July, 1860		Edward Irby	10 June, 1862.
Windsor	George A. Gordon	12 Feb., 1846		Lord John Taylour	
Wingham	Jasper Creagh	1 May, 1856	Edwd. Apps Smith	19 Mar., 1863.	
Wollombi and St. Alban's	J. Brooks	31 Oct., 1862	W. H. Wason		
Wollongong	Alfred A. Turner	1 Jan., 1853	D. Warden	13 July, 1860.	
Yass	John Stiles	24 Oct., 1840.	G. Weston		
Young	J. R. Edwards	13 Mar., 1862	N. S. Smith	14 Aug., 1862.	
			European Assurance Company		
			Names of sureties required, but not yet received	10 July, 1862.	
			Maurice Alexander		
			Montagu Levy	27 Aug., 1861.	
			Nathaniel Connolly, junr.		
			George Marshall	9 June, 1862.	
			Joseph Aarons, junr.		
			Chas. Geo. Temple Chauvel	1 Nov., 1860.	
			European Assurance Company		
			William M'Quade	29 Nov., 1861.	
			William Town		
			Chas. Geo. Croaker	17 Sept., 1856.	
			Joseph Andrews		
			Henry Cox	31 Oct., 1862.	
			Edward Druitt		
			Chas. Throsby Smith	28 Mar., 1853.	
			King Barton		
			Allan Campbell	30 Nov., 1861.	
			Revd. J. Kemmis		
			Rich. Higgerson Fitzsimmons	16 April, 1862.	
			C. Russell		

* Appointed Police Magistrate under the Clerk of Petty Sessions Act, 20 Victoria, No. 32.

NOTE.—An annual circular is sent to the Courts of Petty Sessions, to report if any persons have become disqualified for being sureties of the Clerks, in which case new bonds are required.

[Price, 9d.]

Sydney: Thomas Richards, Government Printer.—1865.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

FEEES RECEIVED BY GOVERNMENT OFFICERS.

(WHEN ON COMMISSIONS OF ENQUIRY.)

Ordered by the Legislative Assembly to be Printed, 16 July, 1863.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 18 October, 1861, That there be laid upon the Table of this House,—

“ A Return shewing the amount of Fees received by each
“ Government Officer, when acting as a Commissioner in any
“ Enquiry, giving the name of such persons, and the amount
“ of salary such persons are in receipt of for their regular
“ employment; such Return to include the term of Responsible
“ Government.”

(*Mr. Dalgleish.*)

FEES RECEIVED BY GOVERNMENT OFFICERS.

AUDITOR GENERAL to THE UNDER SECRETARY.

*Audit Office,
Sydney, 24 June, 1863.*

SIR,

In acknowledging the receipt of your letter of the 20th instant, with reference to the Return called for by the Legislative Assembly, of fees received by Government Officers when on Commissions of Enquiry, I do myself the honor, in reply, to enclose a nil return for the same, as it does not appear from the documents forwarded to this office, with your letter of the 15th August last, or so far as can readily be ascertained from the books of this department, that any Public Officer has received fees for his services in connection with Commissions of Enquiry, during the period specified in the Return.

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

P.S.—Officers travelling, although paid no fees for their services on enquiries, are of course allowed their expenses.

A RETURN shewing the amount of fees paid to Government Officers, when acting as Commissioners of Enquiry, since the commencement of Responsible Government, to the 18th October, 1861, so far as can be readily ascertained from the accounts in this office.

Name of Officer.	Situation.	Nature of Enquiry.	Fees paid.	Salary received by Officer making enquiry.
Nil.	Nil.	Nil.	Nil.	Nil.

*Audit Office, Sydney, New South Wales,
24 June, 1863.*

W. C. MAYNE,
A. G.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GOVERNMENT ADVERTISEMENTS IN NEWSPAPERS.

(EXPENSES OF.)

Ordered by the Legislative Assembly to be Printed, 30 June, 1863.

FINAL RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 7 October, 1862, That there be laid upon the Table of this House,—

“ A Return shewing the expenses incurred by the Govern-
 “ ment, for the insertion of Advertisements relative to the
 “ Public Business, in the various Newspapers throughout the
 “ Colony, exclusive of the *Government Gazette*, from the
 “ 1st day of January, 1861, to the 31st day of December of
 “ the same year, and from the 1st day of January, 1862, to
 “ the 30th day of June, 1862; and specifying the number of
 “ Advertisements sent, the number of insertions authorized
 “ or allowed for, and the total sum paid on such account, by
 “ each Department of the Public Service, to the Conductors
 “ of each Newspaper, during the above-mentioned period.”

(*Mr. Lucas.*)

GOVERNMENT ADVERTISEMENTS IN NEWSPAPERS.

RETURN of Expenditure for Advertisements relative to the Public Business, in the various Newspapers throughout the Colony, from 1st January to 30th June, 1862; shewing the number of Advertisements sent, the number of insertions authorized or allowed for, and the total sum paid on such account, by each Department of the Public Service, to the Conductors of each Newspaper, during the above-mentioned period, so far as can be readily ascertained from the accounts in this Office.

DEPARTMENT.	NEWSPAPER.	NUMBER OF ADVERTISEMENTS.	NUMBER OF INSERTIONS.	AMOUNT.
Principal Secretary ...	Sydney Morning Herald ...	28	93	£ 23 7 6
	Empire ...	27	108	26 13 2
	Bell's Life, Sydney... ..	9	12	4 0 6
	Freeman's Journal... ..	4	9	2 12 0
	Albury Banner ...	1	2	1 2 0
	Armidale Express ...	26	56	12 16 9
	Bathurst Free Press ...	3	6	1 18 9
	Bathurst Times ...	2	6	1 4 6
	Braidwood Dispatch ...	2	5	1 12 9
	Braidwood Observer ...	1	3	0 18 0
	Border Post ...	1	2	1 3 6
	Burrangong Courier ...	1	2	0 16 0
	Goulburn Chronicle ...	3	7	1 14 3
	Goulburn Herald ...	2	4	1 3 6
	Illawarra Express ...	1	2	0 10 0
	Illawarra Mercury ...	2	5	1 6 3
	Kiama Examiner ...	3	4	0 17 0
	Lachlan Miner ...	6	9	8 16 0
	Lachlan Observer ...	1	2	0 19 0
	Maitland Ensign ...	10	21	5 1 3
	Maitland Mercury ...	14	17	6 4 6
	Mudgee Liberal ...	2	3	1 0 0
	Newcastle Chronicle ...	2	2	0 9 0
	Newcastle Free Press ...	2	2	0 12 6
	Orange Examiner ...	1	1	0 7 6
	Pastoral Times ...	2	2	0 15 0
	Singleton Times ...	3	3	0 11 0
	Tamworth Examiner ...	3	3	1 19 9
	Western Examiner... ..	3	5	1 8 6
	Western Post ...	4	8	2 9 6
Yass Courier ...	2	5	2 6 6	
		171	409	116 16 5
Volunteers ...	Sydney Morning Herald ...	37	71	14 16 9
	Empire ...	42	75	17 9 6
		79	146	32 6 3
New South Wales Exhibition Commissioners ...	Sydney Morning Herald ...	3	7	1 9 0
	Empire ...	9	12	3 12 6
		12	19	5 1 6
Sheriff ...	Sydney Morning Herald ...	1	1	0 4 0
	Empire ...	1	1	0 4 0
		2	2	0 8 0

GOVERNMENT ADVERTISEMENTS IN NEWSPAPERS.

3

DEPARTMENT.	NEWSPAPER.	NUMBER OF ADVERTISEMENTS.	NUMBER OF INSERTIONS.	AMOUNT.	
				£ s. d.	
Circuit Courts ...	Goulburn Chronicle ...	1	2	0 7 0	
	Goulburn Herald ...	1	2	0 7 0	
		2	4	0 14 0	
Secretary for Finance and Trade...	Sydney Morning Herald ...	48	218	112 13 0	
	Empire ...	59	267	136 15 0	
	Bell's Life, Sydney...	6	10	5 2 0	
	Freeman's Journal...	1	1	0 5 6	
	Christian Pleader ...	4	5	8 8 0	
	Albury Banner ...	5	15	17 18 6	
	Armidale Express ...	7	14	12 0 0	
	Bathurst Free Press ...	15	57	27 3 9	
	Bathurst Times ...	8	31	19 2 9	
	Border Post ...	5	19	20 4 0	
	Braidwood Dispatch ...	11	36	22 16 0	
	Braidwood News ...	10	34	21 1 0	
	Braidwood Observer ...	10	35	22 17 0	
	Burrangong Courier ...	2	4	4 8 0	
	Clarence River Examiner ...	6	15	12 13 0	
	Clarence River Independent	6	14	17 13 9	
	Cosmopolitan ...	2	3	1 4 0	
	Golden Age ...	3	8	9 11 0	
	Goulburn Chronicle ...	11	46	25 12 0	
	Goulburn Herald ...	9	38	22 17 9	
	Kiama Examiner ...	7	23	18 14 0	
	Lachlan Miner ...	6	19	19 0 0	
	Maitland Ensign ...	23	82	48 15 0	
	Maitland Mercury ...	22	82	45 0 3	
	Maneroo Mercury ...	7	19	15 7 6	
	Mudgee Liberal ...	9	29	16 7 6	
	Nautical Almanac ...	1	1	1 10 0	
	Newcastle Chronicle ...	17	62	27 14 4	
	Newcastle Free Press ...	12	38	27 4 3	
	Singleton Times ...	2	8	14 18 6	
	Tamworth Chronicle ...	3	9	9 14 0	
	Tamworth Examiner ...	7	24	18 0 6	
	Tenterfield Chronicle ...	1	1	0 8 0	
	Wagga Wagga Express ...	6	13	19 19 0	
	Western Examiner...	5	11	10 16 0	
	Western Post ...	9	28	16 14 0	
	Yass Courier ...	7	25	17 14 0	
	Wynyard Times ...	7	30	28 2 0	
	Illawarra Express ...	10	27	21 12 3	
	Illawarra Mercury ...	14	45	12 9 0	
			403	1,446	910 6 1
	Government Printer ...	Sydney Morning Herald ...	15	23	11 14 0
		Empire ...	14	22	11 8 6
		29	45	23 2 6	
Secretary for Lands ...	Sydney Morning Herald ...	80	128	131 7 6	
	Empire ...	95	189	161 15 9	
	Freeman's Journal ...	1	1	10 0 0	
	Albury Banner ...	23	61	83 11 9	
	Armidale Express ...	19	54	48 9 6	
	Bathurst Free Press ...	28	81	58 15 9	
	Bathurst Times ...	10	29	28 2 0	
	Braidwood Dispatch ...	10	26	37 2 0	
	Braidwood News ...	8	22	35 9 2	
	Braidwood Observer ...	11	29	36 5 6	
Border Post...	17	47	64 9 6		
	Carried forward ...	302	667	695 8 5	

GOVERNMENT ADVERTISEMENTS IN NEWSPAPERS.

DEPARTMENT.	NEWSPAPER.	NUMBER OF ADVERTISEMENTS.	NUMBER OF INSERTIONS.	AMOUNT.
	Brought forward ...	302	667	£ s. d. 695 8 5
	Burrangong Courier ...	16	39	39 7 3
	Clarence River Examiner ...	16	41	36 13 0
	Clarence River Independent ...	17	44	43 19 0
	Daily News... ..	1	4	1 0 0
	Golden Age	16	41	60 3 6
	Goulburn Chronicle ...	29	82	64 0 3
	Goulburn Herald	28	80	56 19 9
	Economist	1	2	5 7 0
	Illawarra Express	38	79	51 16 6
	Illawarra Mercury	17	38	31 11 3
	Kiama Examiner	32	68	43 9 9
	Lachlan Miner	30	59	72 9 0
	Lachlan Observer	10	26	44 12 6
	Lambing Flat Miner	1	1	10 0 0
	Maitland Ensign	35	99	97 5 6
	Maitland Mercury	33	85	99 5 3
	Maneroo Mercury	15	34	29 18 0
	Melbourne Age	2	6	46 16 0
	Melbourne Argus	2	6	47 14 0
	Melbourne Herald	2	6	45 18 0
	Mudgee Liberal	15	39	43 5 6
	Newcastle Chronicle	15	34	39 8 6
	Newcastle Free Press	12	27	26 15 11
	Ovens and Murray Advertiser	1	2	2 8 0
	Pastoral Times	1	1	10 0 0
	Singleton Times	10	22	38 13 6
	Tamworth Examiner	19	62	63 6 9
	Tenterfield Chronicle	9	20	35 4 0
	Wagga Wagga Express	18	54	103 16 9
	Western Examiner... ..	13	30	37 13 0
	Western Post	15	36	41 9 0
	Wynyard Times	19	50	39 18 6
	Yass Courier	28	79	77 14 9
		818	1,963	2,183 8 1
	Sydney Morning Herald ...	9	15	24 8 9
	Empire	10	15	19 14 0
	Freeman's Journal	8	11	10 4 0
		27	41	54 6 9
	Sydney Morning Herald ...	55	184	107 10 3
	Empire	57	188	114 19 9
	Bell's Life, Sydney	26	26	20 18 6
	Freeman's Journal... ..	39	39	24 7 0
	Christian Pleader	12	12	7 15 0
	Albury Banner	2	8	2 5 6
	Armidale Express	6	12	2 2 0
	Bathurst Free Press	4	19	3 13 9
	Bathurst Times	2	9	1 12 6
	Braidwood Dispatch	3	13	3 9 3
	Braidwood News	2	9	2 14 0
	Braidwood Observer	2	9	2 12 0
	Border Post	3	8	2 7 6
	Clarence River Examiner ...	1	3	0 10 6
	Clarence River Independent ...	1	3	0 15 0
	Golden Age	1	3	0 13 6
	Goulburn Chronicle	7	37	6 18 6
	Goulburn Herald	6	33	5 15 6
	Illawarra Express	4	21	4 15 3
	Illawarra Mercury	5	34	7 14 3
	Kiama Examiner	4	16	3 12 0
	Lachlan Observer	1	5	1 0 0
	Carried forward ...	243	691	328 1 6

GOVERNMENT ADVERTISEMENTS IN NEWSPAPERS.

5

DEPARTMENT.	NEWSPAPER.	NUMBER OF ADVERTISEMENTS.	NUMBER OF INSERTIONS.	AMOUNT.
				£ s. d.
Secretary for Public Works— <i>continued.</i>	Brought forward ...	243	691	328 1 6
	Maitland Ensign ...	12	60	12 3 0
	Maitland Mercury ...	12	87	16 5 6
	Maneroo Mercury ...	5	7	2 5 6
	Mudgee Liberal ...	2	4	0 18 0
	Newcastle Chronicle ...	3	12	2 18 0
	Newcastle Free Press ...	4	10	2 8 9
	Singleton Times ...	3	7	1 4 3
	Tamworth Examiner ...	7	16	4 1 0
	Tenterfield Chronicle ...	1	2	0 10 0
	Wagga Wagga Express ...	2	4	1 5 0
	Western Examiner ...	2	3	0 19 0
	Western Post ...	2	9	1 18 3
	Wynyard Times ...	1	5	1 5 0
	Yass Courier ...	6	29	6 5 6
		305	946	382 8 3
The Commissioner for Railways ...	Sydney Morning Herald ...	30	87	35 18 0
	Empire ...	26	82	41 6 0
	Bell's Life ...	4	5	1 10 0
	Freeman's Journal ...	1	2	0 8 0
	Maitland Ensign ...	3	5	3 9 0
	Maitland Mercury ...	9	25	10 18 3
	Newcastle Chronicle ...	2	5	1 0 0
	Newcastle Free Press ...	5	7	3 10 6
		80	218	97 19 9
The Commissioner for Roads...	Albury Banner ...	1	1	0 11 6
	Armidale Express ...	1	2	0 11 6
	Bathurst Free Press ...	4	13	11 8 6
	Border Post ...	1	1	0 12 0
	Goulburn Chronicle ...	3	12	3 3 0
	Goulburn Herald ...	4	12	3 1 3
	Lachlan Observer ...	3	11	3 12 0
	Maitland Ensign ...	6	15	6 11 6
	Maitland Mercury ...	7	21	9 4 0
	Mudgee Liberal ...	5	8	4 7 0
	Newcastle Free Press ...	2	15	2 0 0
	Singleton Times ...	6	17	9 7 6
	Tamworth Examiner ...	2	4	1 10 0
	Western Examiner ...	4	7	2 10 3
	Western Post ...	3	9	3 6 0
Wagga Wagga Express ...	1	1	0 6 6	
Wynyard Times ...	1	3	0 15 0	
Yass Courier ...	6	17	4 5 6	
		60	169	67 3 0

Audit Office, Sydney, New South Wales,
30th June, 1863.

W. C. MAYNE,
Auditor General.

GENERAL

GOVERNMENT ADVERTISEMENTS IN NEWSPAPERS.

GENERAL ABSTRACT of the foregoing Return, shewing the total amount paid to the Conductors of each Newspaper, the total number of Advertisements, and the total number of Insertions.

NEWSPAPER.	NUMBER OF ADVERTISE- MENTS.	NUMBER OF INSERTIONS.	AMOUNT.		
			£	s.	d.
Sydney Morning Herald	306	827	463	8	9
Empire	340	959	533	18	2
Bell's Life, Sydney... ..	45	53	31	11	0
Freeman's Journal	54	63	47	16	6
Christian Pleader	16	17	16	3	0
Albury Banner	32	87	105	9	3
Armidale Express	59	138	75	19	9
Bathurst Free Press	54	176	103	0	6
Bathurst Times	22	75	50	1	9
Border Post	27	77	88	16	6
Braidwood Dispatch	26	80	65	0	0
Braidwood News	20	65	59	4	2
Braidwood Observer	24	76	62	12	6
Burrangong Courier	19	45	44	11	3
Clarence River Examiner	23	59	49	16	6
Clarence River Independent	24	61	62	7	9
Cosmopolitan	2	3	1	4	0
Daily News	1	4	1	0	0
Economist	1	2	5	7	0
Golden Age... ..	20	52	70	8	0
Goulburn Chronicle	54	186	101	15	0
Goulburn Herald	50	169	90	4	9
Illawarra Express	53	129	78	14	0
Illawarra Mercury	38	122	53	0	9
Kiama Examiner	46	111	66	12	9
Lachlan Miner	42	87	100	5	0
Lachlan Observer	15	44	50	3	6
Lambing Flat Miner	1	1	10	0	0
Maitland Ensign	89	282	173	5	3
Maitland Mercury	97	317	186	17	9
Maneroo Mercury	27	60	47	11	0
Mudgee Liberal	33	83	65	18	0
Nautical Almanac	1	1	1	10	0
Newcastle Chronicle	39	115	71	9	10
Newcastle Free Press	37	99	62	11	11
Orange Examiner	1	1	0	7	6
Ovens and Murray Advertiser	1	2	2	8	0
Pastoral Times	3	3	10	15	0
Singleton Times	24	57	64	14	9
Tamworth Chronicle	3	9	9	14	0
Tamworth Examiner	38	109	88	18	0
Tenterfield Chronicle	11	23	36	2	0
Wagga Wagga Express	27	72	125	7	3
Western Examiner... ..	27	56	53	6	9
Western Post	33	90	65	16	9
Wynyard Times	28	88	70	0	6
Yass Courier	49	155	108	6	3
TOTAL for New South Wales	1,982	5,390	3,733	12	7
Melbourne Age	2	6	46	16	0
Melbourne Argus	2	6	47	14	0
Melbourne Herald	2	6	45	18	0
TOTAL for other Colonies *	6	18	140	8	0
TOTAL...	1,988	5,408	3,874	0	7

* Although not specifically asked for, the amounts paid to Newspapers of neighbouring Colonies have been inserted, to make the Return more complete.

Audit Office, Sydney, New South Wales,
30th June, 1863.

W. C. MAYNE,
Auditor General.

GOVERNMENT ADVERTISEMENTS IN NEWSPAPERS.

7

CORRIGENDUM.—In the corresponding Return for 1861, laid before the Legislative Assembly on the 19th December, 1862, the particulars stated under the head of "Secretary for Public Works," for the Sydney Morning Herald and Empire, should have been as follows, viz. :—

NEWSPAPER.	NUMBER OF ADVERTISEMENTS.	NUMBER OF INSERTIONS.	AMOUNT.
Sydney Morning Herald	124	384	£ s. d. 195 4 9
Empire	128	384	205 19 3

W. C. MAYNE,
Auditor General.

Sydney : Thomas Richards, Government Printer.—1863.

[Price, 6d.]

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GOVERNMENT ADVERTISEMENTS IN NEWSPAPERS.
(EXPENSE OF.)

Ordered by the Legislative Assembly to be Printed, 11 August, 1863.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 1 July, 1863, That there be laid upon the Table of this House,—

“ A Return shewing the expenses incurred by the Govern-
“ ment, for the insertion of Advertisements relative to
“ public business, in the various newspapers throughout
“ the Colony, exclusive of the *Government Gazette*, from
“ the 30th day of June, 1862, to the 1st day of January,
“ 1863; specifying the total sum paid, or which has to be
“ paid on such account, to the conductors of each newspaper
“ during the above-mentioned period.”

(*Mr. Lucas.*)

GOVERNMENT ADVERTISEMENTS IN NEWSPAPERS.

RETURN shewing the expenses incurred by the Government for the insertion of Advertisements relative to public business, in the various newspapers throughout the Colony, exclusive of the *Government Gazette*, from the 30th day of June, 1862, to the 1st day of January, 1863; specifying the total sum paid to the conductors of each newspaper during the above-mentioned period, so far as can be readily ascertained from the accounts in this office.

NEWSPAPER.	AMOUNT.		
	£	s.	d.
Sydney Morning Herald...	663	9	6
Empire ...	1,015	6	9
Bell's Life, Sydney ...	68	4	6
Freeman's Journal ...	119	11	10
Christian Pleader... ..	15	15	0
Albury Banner	189	18	3
Armidale Express	73	1	11
Braidwood News	67	14	2
Braidwood Observer	67	15	6
Braidwood Dispatch	62	19	6
Bathurst Free Press	170	12	9
Bathurst Times	2	0	0
Burrangong Commercial Advertiser	1	11	6
Burrangong Courier	50	9	6
Burrowa Times	0	18	0
Border Post	159	5	6
Clarence and Richmond River Examiner	82	8	4
Clarence River Advocate	73	17	0
Economist	3	7	6
Forbes Miner	14	8	0
Goulburn Herald... ..	110	10	10
Goulburn Chronicle	123	2	10
Golden Age	67	13	6
Illawarra Mercury	91	8	9
Illawarra Express	89	4	6
Kiama Examiner	79	10	3
Lachlan Miner	164	9	0
Lachlan Observer	149	8	0
Maitland Mercury	292	17	3
Maitland Ensign	273	9	0
Monaro Mercury	55	15	3
Moruya Messenger	42	0	0
Mudgee Liberal	116	14	9
Newcastle Free Press	27	1	9
Newcastle Chronicle	59	7	0
Parramatta Review	30	19	6
Pastoral Times	152	9	5
Singleton Times	55	16	6
Tamworth Examiner	115	5	9
Tenterfield Chronicle	37	7	9
Western Post	133	0	0
Western Examiner	79	0	0
Wynyard Times	130	4	1
Wagga Wagga Express	157	8	1
Yass Courier	159	19	5
TOTAL, FOR NEW SOUTH WALES	£ 5,696	18	2
Carried forward	£ 5,696	18	2

GOVERNMENT ADVERTISEMENTS IN NEWSPAPERS.

3

NEWSPAPER.							AMOUNT.			
Brought forward							£	5,696	18	2
Melbourne Argus	...	...	...	...	...	...	63	9	0
Melbourne Herald	...	...	...	...	...	...	33	15	0
Melbourne Age ...	...	...	...	...	...	...	26	8	0
Hobart Town Mercury	...	...	...	...	...	...	3	15	0
Launceston Examiner	...	...	...	...	...	...	5	13	0
Cornwall Chronicle	...	...	...	...	...	...	0	18	0
Brisbane Courier	...	...	...	...	...	...	5	3	6
Brisbane Guardian	...	...	...	...	...	...	0	14	0
Queensland Times	...	...	...	...	...	...	0	14	0
Moreton Bay Courier	...	...	...	...	...	...	0	9	0
TOTAL, FOR OTHER COLONIES*...							£	140	18	6
TOTAL							£	5,837	16	8

* Although not specifically asked for, the amounts paid to newspapers of neighbouring Colonies have been inserted to make the Return more complete.

NOTE.—There are no records in this office from which the outstanding claims for public advertisements can be ascertained.

*Audit Office, Sydney, New South Wales,
8 August, 1863.*

W. C. MAYNE,
A. G.

[Price, 3d.]

Sydney: Thomas Richards, Government Printer.—1863.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GOVERNMENT ADVERTISEMENTS IN NEWSPAPERS.

(AMOUNT PAID FOR, FROM 31st DECEMBER, 1862, TO 1st JULY, 1863.)

Ordered by the Legislative Assembly to be Printed, 26 February, 1864.

RETURN of the Amount paid to each of the New South Wales Newspaper Proprietors, for advertising public business, from the 31st December, 1862, to 1st July, 1863, so far as can be readily ascertained from the Accounts in this Office.

NEWSPAPER.	AMOUNT.	NEWSPAPER.	AMOUNT.
	£ s. d.		£ s. d.
Sydney Morning Herald ...	458 3 6	Brought forward ...	3,118 18 4
Empire ...	761 13 0	Illawarra Mercury ...	91 11 6
Bell's Life in Sydney ...	77 1 0	Illawarra Express ...	91 1 0
Freeman's Journal... ..	118 5 6	Kiama Examiner ...	76 19 3
Christian Pleader ...	13 4 0	Kiama Independent ...	1 8 0
Evening Star ...	6 10 0	Lachlan Miner ...	105 17 6
Economist ...	1 15 0	Lachlan Observer ...	66 4 6
Public Lands Circular ...	1 4 6	Maitland Mercury... ..	259 13 2
German Newspaper ...	2 9 6	Maitland Ensign ...	231 17 3
Albany Banner ...	162 16 0	Monaro Mercury ...	102 11 0
Armidale Express ...	77 8 8	Moruya Messenger ...	98 17 0
Braidwood News ...	78 12 0	Mudgee Liberal ...	111 13 3
Braidwood Observer ...	93 5 6	Murray Gazette ...	20 4 6
Braidwood Dispatch ...	88 11 9	Newcastle Chronicle ...	134 4 6
Bathurst Free Press ...	159 15 0	Newcastle Telegraph ...	99 2 0
Bathurst Times ...	27 8 7	Pastoral Times ...	170 14 0
Burrangong Star ...	78 6 0	Singleton Times ...	105 4 9
Burrowa Times ...	102 6 0	Tamworth Examiner ...	107 12 3
Border Post ...	185 5 0	Tenterfield Chronicle ...	73 5 0
Clarence River Examiner ...	75 5 6	Western Post ...	135 12 0
Clarence River Advocate ...	75 16 9	Western Examiner ...	92 7 3
Goulburn Herald ...	101 1 6	Western Post and Mudgee Newspaper ...	2 3 6
Goulburn Chronicle ...	141 1 0	Wynyard Times ...	143 14 6
Golden Age ...	92 10 0	Wagga Wagga Express ...	165 1 6
Grafton Advocate ...	5 4 0	Yass Courier ...	159 8 6
Hunter River and Northern Advertiser ...	133 19 1		
Carried forward	£ 3,118 18 4	TOTAL ...	£ 5,765 6 9

*Audit Office, Sydney,
26th February, 1864.*

W. C. MAYNE,
Auditor General.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

EXPENSES OF GOVERNMENT GAZETTE.
(RETURN SHEWING.)

Ordered by the Legislative Assembly to be Printed, 8 July, 1863.

RETURN^s to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 1 July, 1863, That there be laid upon the Table of this House,—

“ A Return shewing,—

“ (1.) The expense of publishing the *Government Gazette* for 1862.

“ (2.) The number of copies struck off at each publication.

“ (3.) The number of Private Subscribers during the year.

“ (4.) What would be the probable cost per 1,000 copies over the present number issued.

“ (5.) What amount was received during the year, for Private Advertisements.

“ (6.) What the Government Advertisements during the same period would amount to, at the same rate as was charged for Private Advertisements.”

(*Mr. Lucas.*)

EXPENSES OF GOVERNMENT GAZETTE.

RETURN shewing—

The expense of printing and publishing the *Government Gazette* for 1862.

The number of copies struck off at each publication.

The number of Private Subscribers during the same year.

The amount received during the same year, for Private Advertisements.

The estimated cost of Government Advertisements during the same period, if charged for at the same rate as Private Advertisements.

The probable cost per 1,000 copies over the number issued.

Actual cost of Printing and Publishing Gazette in 1862.			Number of Copies Printed.	Number of Private Subscribers.	Amount received for Private Advertisements.	Estimated cost of Government Advertisements, if charged for at the same rate as Private Advertisements.	Cost per 1,000 copies over number printed in 1862.		
Printing, &c.	Paper.	Total.					Printing, &c.	Paper.	Total.
£ s. d.	£ s. d.	£ s. d.			£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
2,374 0 0	680 0 0	3,054 0 0	1,000	325	1,209 13 0	5,317 0 0	303 0 0	680 0 0	983 0 0

*Government Printing Office,
Sydney, 6 July, 1863.*

THOS. RICHARDS,
Government Printer.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DISTRICT COURTS ACT OF 1858.

(RETURNS UNDER THE 103RD CLAUSE OF.)

Ordered by the Legislative Assembly to be Printed, 25 June, 1863.

RETURNS under the 103rd Section of the District Courts Act of 1858, for the Twelve Months preceding the 1st day of March, 1863.

METROPOLITAN AND COAST DISTRICT.

SYDNEY.	PICTON
PARRAMATTA.	WOLLONGONG.
LIVERPOOL.	KIAMA.
WINDSOR.	NOWRA.
PENRITH.	MORUYA.
CAMPBELLTOWN.	EDEN.
CAMDEN.	

SOUTHERN DISTRICT.

GOULBURN.	YASS.
BERRIMA.	COOMA.
BRAIDWOOD.	BOMBALA.
QUEANBEYAN.	YOUNG.

SOUTH-WESTERN DISTRICT.

ALBURY.	DENILQUIN.
TUMUT.	HAY.
GUNDAGAI.	WAGGA WAGGA.

HUNTER RIVER DISTRICT.

DUNGOG.	SINGLETON.
WOLLOMBI.	MUSWELLBROOK.
NEWCASTLE.	SCONE.
MAITLAND (EAST.)	PATERSON.
MAITLAND (WEST.)	MURRURUNDI.

NORTHERN DISTRICT.

ARMIDALE.	PORT MACQUARIE.
TAMWORTH.	KEMPSEY (WEST.)
TENTERFIELD.	WINGHAM.
GLEN INNES.	GRAFTON.

WESTERN DISTRICT.

BATHURST.	MOLONG.
SOFALA.	ORANGE.
MUDGEE.	CARCOAR.
WELLINGTON.	HARTLEY.
DUBBO.	FORBES.

DISTRICT COURTS ACT

A RETURN of the Number of SUITS commenced in the DISTRICT COURT holden at SYDNEY, and other 1863,

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 2,776	2,760 Cases, sum sued for not exceeding £5 432 16 6	1862.				
Work and labour 907	1,119 Cases, sum sued for not exceeding £10 314 14 0	March ..	Sydney ..	11	37	..
Bills of exchange, } cheques, and p. notes }	736 Cases, sum sued for exceeding £10, but not exceeding £30, and no attorney employed by plaintiff 299 0 0	April	Ditto ..	12	75	25
Money paid, money reed. 144		May	Ditto ..	11	46	15
Rent 219	171 Cases, sum sued for exceeding £30, but not exceeding £200; no attorney employed by the plaintiff 176 6 10	June	Ditto ..	16	83	30
Money lent 99		July	Ditto ..	17	79	30
Breach of contract 43		August ..	Ditto ..	13	49	50
Board and lodging 80		September	Ditto ..	14	52	45
Trover and detainue 56	326 Cases, sum sued for exceeding £10, but not exceeding £30; verdict for plaintiff, and an attorney employed by him 1,168 6 8	October ..	Ditto ..	16	80	..
Judgment, on a 92		November	Ditto ..	14	71	10
Trespass to realty 12		December.	Ditto ..	16	75	55
Damage to personalty .. 24	46 Cases, sum sued for exceeding £10, but not exceeding £30; verdict for defendant, and an attorney employed by him 210 2 11	1863.				
Slander 39		February	Ditto ..	11	45	45
Negligence 54		Total		151	697	5
Assault 10	35 Cases, sum sued for exceeding £10, but not exceeding £30; verdict for plaintiff, and counsel and attorney employed by him .. 471 5 10	Equal to 116 days of 6 hours a day.				
Use and occupation 21						
Hire of horses 11	11 Cases, sum sued for exceeding £10, but not exceeding £30; verdict for defendant, and counsel and attorney employed by him .. 110 14 10					
Hire of goods 38						
Interest 10	53 Cases, sum sued for exceeding £30, but not exceeding £200; verdict for plaintiff, and an attorney employed by him 375 3 2					
City rates 4						
Wharfage 3	17 Cases, sum sued for exceeding £30, but not exceeding £200; verdict for defendant, and an attorney employed by him .. 148 9 10					
Storage 3						
Livery 3	19 Cases, sum sued for exceeding £30, but not exceeding £200; verdict for plaintiff, and counsel and attorney employed by him 405 19 5					
Waste 3						
Deceit 3	13 Cases, sum sued for exceeding £30, but not exceeding £200; verdict for defendant, and counsel and attorney employed by him 205 6 2					
False imprisonment 2						
Malicious prosecution... 4						
Illegal distress 3						
Possession of tenements .. 1						
Agistment 24						
On a bond 5						
Guarantee 15						
Covenant 3						
Bite of a dog 2						
Libel 2						
Breach of promise of } marriage }						
Total 5,316	5,316 4,318 6 2					

* Mileage is included in these cases, at the rate of 7½d. each case.

We hereby certify that the foregoing is a full and complete Return of the

OF 1858.—(Section 103.)

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

THE NUMBER OF SUITS COMMENCED.			RESULT.		Number of Cases left in arrear postponed by request of parties.	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, including Non-suits.				
5,316	2,172	3,135	2,778	357	4	32	3,103	3
							Cases removed to Supreme Court by certiorari.	
							2	
Amount Sued for.		Rehearing upon Cases of Judgment by default in consequence of Defendant's absence.	Number of Motions for New Trials.	Number of New Trials granted.	The grounds upon which such New Trials were granted.		Number of Appeals.	
£	s. d.	32	20	4	1 Damages excessive. 1 Exclusion of evidence tendered by Defendant. 1 Verdict in opposition to Judges direction. 1 Non-suit improvidently entered.		1 Dismissed.	

particulars required by the said Act, so far as we are able to set forth the same.

Dated at Sydney, this twenty-eighth day of March, 1863.

ALEX. 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, 1863, 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.					
	Commenced	Settled without hearing.	Tried.	Plaintiff	Defendant.		Of Appeals	Of Judgments 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	97	37	53	47	6	£ 29 0 9	..	...	6	Parramatta	1862. 8 May .. 7 Aug. .. 6 Nov. ..	..	6	8	..	53	1	..					
Promissory Notes	23	9	13	12	1	16 8 6	..	...	1						..	..	..	..	..	..	..	..	..
Rent	13	4	9	8	1	6 17 9	..	...	..						..	..	..	..	..	..	..	..	..
Board and Lodging	4	4	..	..	..	1 0 0	..	...	..						..	..	..	..	..	..	..	..	..
Trespass on Land .....	..	..	..	..	..	..	..	...	..						..	..	..	..	..	..	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	...	..						..	..	..	..	..	..	..	..	..
Illegal Distrainment .....	..	..	..	..	..	..	..	...	..						..	..	..	..	..	..	..	..	..
Trover	1	..	1	..	1	0 5 6	..	...	..						..	..	..	..	..	..	..	..	..
Breach of Contract	6	..	6	4	2	9 18 6	..	...	..						..	..	..	2	..	4	..	..	..
Wages, Work, and Labour	34	15	19	14	5	10 2 0	..	...	..						..	..	..	..	19	..	..	..	1
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	...	..						..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	...	..						..	..	..	..	..	..	..	..	..
Sales of Live Stock	7	2	5	4	1	2 17 9	..	...	..						..	..	..	..	..	5	..	..	..
Money Lent	9	4	5	4	1	5 5 9	..	...	..						..	..	..	1	..	4	..	..	1
Partnership .....	..	..	..	..	..	..	..	...	..						..	..	..	..	..	..	..	..	..
Interpleader .....	..	..	..	..	..	..	..	...	..						..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	..	..	...	..						..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	...	..						..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	...	..						..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	...	..						..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	...	..						..	..	..	..	..	..	..	..	..
Causes of Action not specified above .....	..	..	..	..	..	..	..	...	..						..	..	..	..	..	..	..	..	..
Damages	5	3	2	2	..	7 12 3	..	...	..						..	..	..	..	..	2	..	..	..
Agistment	5	1	1	1	3	0 18 0	..	...	..	..	..	..	..	..	4	..	..	..		

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.	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.	Plaintiff	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	97	35	62	56	6	£ s. d. 47 3 6	1	....	....	1	Liverpool	1862. 7 March..	..	3	..	..	..	1	..	Notice of Motion for a new Trial filed.																																																																																																																																																																																																																																																																																												
Promissory Notes	11	4	7	7	..																6	7	..	3	1	6 June ..	..	3½	..	..	..	..	..	..																																																																																																																																																																																																																																																																													
Rent	6	2	4	3	1																														4	3	1	3	1	3 Oct....	..	1½																																																																																																																																																																																																																																																																				
Board and Lodging	2	2																																													2	2 Feb.	7½																																																																																																																																																																																																																																																				
Trespass on Land																																																													1	1	3	..	8½																																																																																																																																																																																																																																				
Trespass on Person																																																																													1	1																																																																																																																																																																																																																				
Illegal Distrain't																																																																																													1	1																																																																																																																																																																																																				
Trover																																																																																																													1	1																																																																																																																																																																																				
Breach of Contract	1	..	1	..	1																																																																																																																													1	1																																																																																																																																																																				
Wages, Work, and Labour	11	5	6	4	2																																																																																																																																													1	1																																																																																																																																																				
Libel, Slander, or Defamation																																																																																																																																																													1	1																																																																																																																																				
Commission on Agency																																																																																																																																																																													1	1																																																																																																																				
Sales of Live Stock	3	1	2	1	1																																																																																																																																																																																													1	1																																																																																																				
Money Lent	4	..	4	3	1																																																																																																																																																																																																													1	1																																																																																				
Partnership																																																																																																																																																																																																																													1	1																																																																				
Interpleader	1	1																																																																																																																																																																																																																																													1	1																																																				
Intestacy																																																																																																																																																																																																																																																													1	1																																				
Legacy																																																																																																																																																																																																																																																																													1	1																				
Possession of Tenements	1	..	1	1	..																																																																																																																																																																																																																																																																																													1	1				
Replevin																																																																																																																																																																																																																																																																																																													1	1
Consent Jurisdiction	1	1																																																																																																																																																																																																																																																																																																	
Causes of Action not specified above																1	1																																																																																																																																																																																																																																																																																			
Hire of Bullocks	1	..	1	..	1																														1	1																																																																																																																																																																																																																																																																				
Damages	4	..	4	3	1																																													1	1																																																																																																																																																																																																																																																				

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, 1863, 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.	Plaintiff	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 .....139	} 281	101	180	157	23	96	9	6	Windsor..	{	1862.	} 2	11	{	1	179
Promissory Notes 23															May 15					
Rent 15															and 16 ..					
Board and Lodging 9															August 14					
Trespass on Land															Nov. 13..					
Trespass on Person															1					
Illegal Distraint..... .. .															7½					
Trover 5															6½					
Breach of Contract 1																				
Wages, Work, and Labour 29																				
Libel, Slander, or Defamation.. ..																				
Commission on Agency																				
Sales of Live Stock 2																				
Money Lent..... .. 11																				
Partnership																				
Interpleader																				
Intestacy																				
Legacy																				
Possession of Tenements																				
Replevin																				
Consent Jurisdiction																				
Causes of Action not specified above 47																				

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 PENRITH, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	61	23	36	33	3	£ 13	s. 11	d. 6	..	..	..	2	Penrith... { 1862. May 27.. } .. 17½ { 28.. } .. { Aug. 26.. } .. 8 { Nov. 25.. } .. 14½ { 26.. } ..	2	57	..	..	..	{ On affidavit of supplementary evidence.			
Promissory Notes	13	3	10	7	3	5	2	0	..	..	..	..		..	13	..	..	..		..
Rent	6	1	5	4	1	4	5	0	..	..	..	..		..	6	..	..	..		..	..
Board and Lodging	1	..	1	1	..	0	2	6	..	..	..	..		..	1	..	..	..		..	..	..
Trespass on Land	1	..	1	1	..	1	0	0	..	..	..	..		..	1	..	..	..		..	..	..
Trespass on Person	1	..	1	..	1	0	7	6	..	..	..	..		..	1	..	..	..		..	..	..
Illegal Distraint .....	..	..	..	..	..	..	..	..	..	..	..	..		..	..	..	..	..		..	..	..
Trover	11	4	7	7	..	1	18	3	..	..	..	..		..	..	11	..	..		..	..	..
Breach of Contract	2	1	1	1	..	0	14	6	..	..	..	..		..	2	..	..	1		1	1	1
Wages, Work, and Labour	29	9	20	16	3	11	2	3	..	..	..	1		..	27	..	..	1		1	1	1
Libel, Slander, or Defamation	2	1	1	1	..	2	19	0	..	..	..	..		..	2	..	..	..		..	..	..
Commission on Agency	1	..	..	1	..	2	3	3	..	..	..	..		..	1	..	..	..		..	..	..
Sales of Live Stock	4	..	4	3	1	1	17	0	..	..	..	..		..	4	..	..	..		..	..	..
Money Lent	9	3	6	5	1	4	17	3	..	..	..	..		..	9	..	..	..		..	..	..
Partnership
Interpleader
Intestacy
Legacy
Possession of Tenements
Replevin
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	3	1	2	1	1	1	4	6	..	..	..	..	..	3	..	..	..	..	..	..	..
	144	46	95	81	14	51	4	6	..	..	..	3	..	3	188	..	2	2	2	2	Both with-drawn be-fore hearing.	

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

RICHARD BROOKS,
Registrar, District Court.

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

A RETURN of the Number of Suits commenced in the District Court of CAMPBELLTOWN, during the Twelve Months preceding the 1st day of March, 1863, and the other particulars required by the said Act.

8

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.	Plaintiff	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	139	61	76	71	5	£ s. d. 74 9 9	2	Campbell-town ..	1862.	13 March ..	4	12 June..	4½	9 Oct. ..	4½	1863.	5 Feb. ...	3½
Promissory Notes	19	5	14	14	..																
Rent	6	2	4	4	..																
Board and Lodging	5	3	2	..	2																
Trespass on Land .....	..	..	..	..	..											
Trespass on Person .....	..	..	..	..	..											
Illegal Distrainment .....	..	..	..	..	..											
Trover	2	1	1	..	1																
Breach of Contract	1	1	..	..	..													
Wages, Work, and Labour	45	16	29	19	10																
Libel, Slander, or Defamation	1	..	1	..	1																
Commission on Agency .....	..	..	..	..	..											
Sales of Live Stock	5	3	2	2	..																
Money Lent	7	4	3	2	1																
Partnership .....	..	..	..	..	..											
Interpleader	1	..	1	1	..																
Intestacy .....	..	..	..	..	..											
Legacy .....	..	..	..	..	..											
Possession of Tenements .....	..	..	..	..	..											
Replevin .....	..	..	..	..	..											
Consent Jurisdiction .....	..	..	..	..	..											
Causes of Action not specified above .....	..	..	..	..	..											
Damages	6	..	6	2	4																
Agistment	4	1	3	2	1																
Hire of Cattle	1	1	..	..	..													
Money due	2	..	2	2	..																

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, 1863, and the other particulars required by the said Act.

66-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. £ 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.	Plaintiff	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	102	44	58	45	13	35 5 6	}	Camden	1862. 14 June.. 11 Oct. ..	1	94				
Promissory Notes	23	8	15	14	1	8 9 8														
Rent	1	1	..	..	..	0 8 9											
Board and Lodging .....	..	..	..	..	..	..								
Trespass on Land	3	1	2	2	..	3 15 0														
Trespass on Person .....	..	..	..	..	..	..								
Illegal Distraint.....	..	..	..	..	..	..								
Trover .....	..	..	..	..	..	..								
Breach of Contract	5	2	3	1	2	1 0 0														
Wages, Work, and Labour	12	4	8	3	5	3 18 9														
Libel, Slander, or Defamation .....	..	..	..	..	..	..								
Commission on Agency	1	..	1	1	..	0 8 0														
Sales of Live Stock	1	..	1	1	..	0 6 6														
Money Lent.....	3	1	2	2	..	1 10 6														
Partnership .....	..	..	..	..	..	..								
Interpleader .....	..	..	..	..	..	..								
Intestacy .....	..	..	..	..	..	..								
Legacy .....	..	..	..	..	..	..								
Possession of Tenements .....	..	..	..	..	..	..								
Replevin .....	..	..	..	..	..	..								
Consent Jurisdiction .....	..	..	..	..	..	..								
Causes of action not specified above	17	13	4	2	2	4 11 6														

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, 1863, 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.	Plaintiff	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	72	30	42	38	4	27	2	6	}	Picton ..	1862. June 16 Oct. 13	1	42	}		
Promissory Notes	12	3	9	8	1	4	1	0									..	9				
Rent	1	..	1	1	..	0	10	0									..	1				
Board and Lodging	2	1	1	..	1	0	6	0									..	1				
Trespass on Land	3	1	2	2	..	0	15	3									..	2				
Trespass on Person	1	..	1	1	..	3	4	6									1	..				
Illegal Distraint .....	..	..	..	..	..	..	..	..									..	..
Trover	1	..	1	..	1	5	6	6									..	..		
Breach of Contract .....	..	..	..	..	..	..	..	..									..	..
Wages, Work, and Labour	21	9	12	9	3	21	14	8									..	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	13	5	8	6	2	13	14	3						..	8							

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, 1863, 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.	Plaintiff	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	51	18	33	33	..	49	5	5	} ..	Wollongong	1862. 24 and 25 March .. 23 June .. 20 Oct. ..	2 1 1	} ..	1	125	1	4			
Promissory Notes	25	11	14	13	1	67	16	4												
Rent	13	5	8	8	..	49	11	0												
Board and Lodging .....	..	..	..	..	..	..	..	..				
Trespass on Land	2	1	1	1	..	0	14	9												
Trespass on Person	1	1	..	..	..	11	7	0									
Illegal Distraint	2	..	2	1	1	26	5	0												
Trover	4	2	2	..	2	18	6	8												
Breach of Contract*	3	..	2	2	..	21	6	10												
Wages, Work, and Labour	4	1	3	2	1	26	11	8												
Libel, Slander, or Defamation	1	..	1	1	..	12	14	10												
Commission on Agency	1	1	..	..	..	1	7	2									
Sales of Live Stock .....	..	..	..	..	..	..	..	..				
Money Lent .....	..	..	..	..	..	..	..	..				
Partnership .....	..	..	..	..	..	..	..	..				
Interpleader	4	..	4	1	3	..	..	..									
Intestacy .....	..	..	..	..	..	..	..	..				
Legacy .....	..	..	..	..	..	..	..	..				
Possession of Tenements .....	..	..	..	..	..	..	..	..				
Replevin .....	..	..	..	..	..	..	..	..				
Consent Jurisdiction .....	..	..	..	..	..	..	..	..				
Causes of Action not specified above	16	8	8	7	1	20	17	3												
	127	48	78	69	9	306	3	11												

* 1 case settled by Arbitration.

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.)

11

483

A RETURN of the Number of Suits commenced in the District Court of KIAMA, during the Twelve Months preceding the 1st day of March, 1863, and the other particulars required by the said Act.

12

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.	Plaintiff	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	24	7	17	16	1	31	9	2	} ..	Kiama ..	{	1862. 26 March 25 June.. 22 Oct. ...	2	9	10	15½	..	17	..	1
Promissory Notes	48	12	36	33	3	75	5	7									..	36	..	..
Rent	4	2	2	1	1	11	18	0									..	2	..	..
Board and Lodging .....	..	..	..	..	..	..	..	..									..	..	..	..
Trespass on Land	5	4	1	..	1	0	5	9									..	..	..	..
Trespass on Person	1	..	1	1	..	1	0	6									..	1	..	..
Illegal Distraint	1	1	..	..	..	..	..	..									..	1	..	..
Trover	2	1	1	1	..	8	0	7									..	..	..	..
Breach of Contract	3	..	3	1	2	25	0	2									..	3	..	..
Wages, Work, and Labour	8	1	7	6	1	3	13	5									..	7	..	..
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	..									..	..	..	..
Commission on Agency	1	..	1	..	1	7	18	0									..	1	..	..
Sales of Live Stock .....	..	..	..	..	..	..	..	..									..	..	..	..
Money Lent .....	..	..	..	..	..	..	..	..									..	..	..	..
Partnership .....	..	..	..	..	..	..	..	..									..	..	..	..
Interpleader	7	3	4	2	2	17	10	0									..	..	4	..
Intestacy .....	..	..	..	..	..	..	..	..									..	..	..	..
Legacy .....	..	..	..	..	..	..	..	..									..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	..									..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..									..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..									..	..	..	..
Causes of Action not specified above	22	5	17	15	2	85	8	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.

W. D. MEARES,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of NOWRA, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	5	5	3	2	6 13 1	1	Nowra ..	{	1862.	29 March	1	6	2	33	..	{	1	..																																																																																																																																																						
Promissory Notes	8	3	5	4	1	9 9 6	1													1862.	28 June..	1	7	2	33	..	{	1	..																																																																																																																																												
Rent	4	2	1	1	1																							1862.	25 Oct. ...	1	4	2	33	..	{	1	..																																																																																																																																		
Board and Lodging																																	1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																																																																																																								
Trespass on Land	1	..	1	1	..	7 7 0																																											1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																																																																																														
Trespass on Person	2	..	1	1	..	14 0 1	1																																																					1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																																																																																				
Illegal Distrain.	1	..	1	..	1	11 0 4																																																															1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																																																																										
Trover	2	..	2	..	2	4 2 0																																																																									1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																																																																
Breach of Contract	1	..	1	..	1	10 10 0																																																																																			1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																																																						
Wages, Work, and Labour	3	2	1	..	1	3 5 10																																																																																													1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																																												
Libel, Slander, or Defamation																																																																																																							1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																																		
Commission on Agency																																																																																																																	1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																								
Sales of Live Stock																																																																																																																											1863.	21 Feb. ...	1	2	2	33	..	{	1	..																														
Money Lent																																																																																																																																					1863.	21 Feb. ...	1	2	2	33	..	{	1	..																				
Partnership																																																																																																																																															1863.	21 Feb. ...	1	2	2	33	..	{	1	..										
Interpleader	1	..	1	1																																																																																																																																																									1863.	21 Feb. ...	1	2	2	33	..	{	1	..
Intestacy																																																																																																																																																																		
Legacy .....	..	..	..	..	..	.....	..	....	..	..	1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																																																																																																																														
Possession of Tenements											1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																																																																																																																														
Replevin																					1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																																																																																																																				
Consent Jurisdiction																															1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																																																																																																										
Causes of Action not specified above	1	..	1	1	..	3 5 3																																									1863.	21 Feb. ...	1	2	2	33	..	{	1	..																																																																																																																

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

W. LOVEGROVE,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of MORUYA, during the Twelve Months preceding the 1st day of March, 1863, and the other particulars required by the said Act.

14

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.	Plaintiff	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	22	12	10	10	..	56	15	2	} ..	Moruya.....	} Court proclaimed for 10th April, but none held. Court held 11th September, 1862.	}	7	3	1	9	}	}	}									
Promissory Notes	7	3	4	4	..	9	0	6							..	..				..	..	..	..	..	..	..	..	..
Rent	3	2	1	1	..	1	13	0							..	..				..	..	..	..	..	..	..	..	..
Board and Lodging	3	3	..	..	..	1	11	6							..	..				..	..	..	..	..	..	..	..	..
Trespass on Land .....	..	..	..	..	..	..	..	..							..	..				..	..	..	..	..	..	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	..							..	..				..	..	..	..	..	..	..	..	..
Illegal Distraint.....	1	..	1	1	..	3	12	6							..	..				..	..	..	..	1	..	..	..	..
Trover .....	..	..	..	..	..	..	..	..							..	..				..	..	..	..	..	..	..	..	..
Breach of Contract .....	..	..	..	..	..	..	..	..							..	..				..	..	..	..	..	..	..	..	..
Wages, Work, and Labour .....	..	..	..	..	..	..	..	..							..	..				..	..	..	..	..	..	..	..	..
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	..							..	..				..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	..							..	..				..	..	..	..	..	..	..	..	..
Sales of Live Stock .....	..	..	..	..	..	..	..	..							..	..				..	..	..	..	..	..	..	..	..
Money Lent.....	2	..	2	2	..	5	12	8							..	..				..	..	..	..	..	..	..	..	..
Partnership .....	..	..	..	..	..	..	..	..							..	..				..	..	..	..	..	..	..	..	..
Interpleader.....	..	..	..	..	..	..	..	..							..	..				..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	..	..	..							..	..				..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	7	5	1	..	1	9	12	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.

W. STEWART CASWELL,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of EDEN, during the Twelve Months preceding the 1st day of March, 1863, 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		Summons not served.	The Grounds on which such New Trials were granted.								
	Com-menced.	Settled without hearing.	Tried.	Plaintiff	Defendant.	£	s.	d.	Of Appeal	Of Judgments 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	6	1	4	3	1	3	5	3	..	....	....	..	Eden	1862. 25 April... 26 26 Sept... ..	2½ 55m. 4½	..	4	..	..	..	1	..						
Promissory Notes	3	1	1	1	..	2	9	0	..	....	..	..				..	..	..	..	1	..	..	..	1	..			
Rent	3	1	1	1	..	2	16	0	..	....	..	..				..	..	..	..	..	..	..	..	..	..	1	..	
Board and Lodging	1	1	..	..	..	0	8	0	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Land .....	..	..	..	..	..	..	..	..	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	..	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Illegal Distrain... ..	..	..	..	..	..	..	..	..	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Trover .....	..	..	..	..	..	..	..	..	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Breach of Contract	1	..	1	1	..	0	18	0	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour	*6	3	3	3	..	4	2	6	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Libel, Slander, or Defamation	1	..	1	..	1	1	6	9	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	..	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Sales of Live Stock .....	..	..	..	..	..	..	..	..	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Money Lent	1	..	1	1	..	0	8	0	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Partnership	1	..	..	..	..	1	0	6	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Interpleader .....	..	..	..	..	..	..	..	..	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	..	..	..	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	..	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Possession of Tenements	1	..	1	..	1	1	5	0	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..	..	....	..	..				..	..	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	3	..	3	2	1	1	18	0	..	....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

* One of the three tried was sent to Arbitration by the Judge.

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.

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

A RETURN of the Number of Suits commenced in the District Court of GOULBURN, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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.					
											1862.										
Goods sold	33	14	17	17	..	In 21 cases where amount recovered is under £30, £62 12s. 8d. In 12 cases where amount recovered is above £30, £65 3s. 9d.			1	} Goulburn	May 15	..	8	..	17	1	..				
Promissory Notes	34	14	17	17	..		May 16	..	2½		..	17	1	..							
Rent	5	3	2	2	..		..	..	..		..	..	..	..	..	2	..	..	..
Board and Lodging	2	..	2	2	..		..	..	..		..	..	..	..	..	2	..	..	..
Trespass on Land	7	4	3	3	..		..	..	..		..	..	..	..	..	3	..	..	..
Trespass on Person	5	1	4	4	..		..	..	..		..	..	..	..	..	1	3	..	..
Illegal Distraint.....	..	..	..	..	..		..	..	..		..	..	..	..	..	..	..	..	..
Trover	2	..	2	2	..		..	..	..		..	..	..	..	..	..	2	..	..	..
Breach of Contract.....	5	1	4	4	..		..	..	..		..	..	Aug. 13	..	8	..	..	..	..	..
Wages, Work, and Labour	21	10	10	9	1		..	..	..		1	..	Aug. 14	..	4	1	3	..	..	..
Libel, Slander, or Defamation.....	2	1	1	..	1		..	..	..		..	..	..	..	..	1	10	..	..	1	
Commission on Agency.....	..	..	..	..	..		..	..	..		..	..	..	..	..	..	..	..	..	..
Sales of Live Stock .....	..	..	..	..	..		..	..	..		..	..	..	..	..	..	..	..	..	..
Money Lent.....	20	6	10	9	1		..	..	..		3	..	..	..	..	..	10	1	..	..
Partnership .....	..	..	..	..	..		..	..	..		..	..	..	..	..	..	..	..	..	..
Interpleader.....	..	..	..	..	..		..	..	..		..	..	Nov. 12	..	1	..	..	..	..	..
Intestacy .....	..	..	..	..	..		..	..	..		..	..	Nov. 13	..	8½	..	..	..	..	..
Legacy .....	..	..	..	..	..		..	..	..		..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..		..	..	..		..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..		..	..	..		..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction.....	..	..	..	..	..		..	..	..		..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	11	4	5	4	1	..	..	..	2	..	1863.	..	..	..	..	..	..	..
											Feb. 14	..	9½	..	..	..	..	..
											Feb. 16	..	9¾	..	5	..	..	..
	147	53	77	73	4	..	..	..	9	.....	.....	..	49½	3	74	3	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.

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, 1863, and the other particulars required by the said Act.

66-C

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.	Plaintiff	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	23	13	10	9	1	11 16 9	..	....	..	3	Berrima ..	1862. 9 May .. 7 Aug. .. 6 Nov. .. 1863. 11 Feb. ..	2	10	8	8	1	2	1	1										
Promissory Notes	6	2	4	4	..	3 9 6	..	....	..	..											1	2	..	..	..	..	..	..	..
Rent	1	1	..	..	..	1 1 0	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Board and Lodging .....	..	..	..	..	..	..	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Trespass on Land .....	..	..	..	..	..	..	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Illegal Distraint .....	..	..	..	..	..	..	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Trover .....	..	..	..	..	..	..	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Breach of Contract	1	..	1	..	1	3 4 6	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour	3	1	2	1	1	0 12 6	..	....	..	1											..	..	..	..	..	..	..	..	..	..
Libel, Slander, or Defamation	1	..	1	..	1	3 9 3	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Sales of Live Stock	1	..	1	..	1	0 15 9	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Money Lent .....	..	..	..	..	..	..	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Partnership .....	..	..	..	..	..	..	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Interpleader	1	..	1	1	..	0 13 6	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	..	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	....	..	..											..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	1	..	1	..	1	0 6 6	..	....	..	..	..	..	..	..	..	..	..	..	..	..
	38	17	21	15	6	25 9 3	..	....	..	4			5	34	2	19														

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 BRAIDWOOD, during the Twelve Months preceding the 1st day of March, 1863, 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.	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.	Plaintiff	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	31	10	21	16	5	£	s.	d.	..	....	..	..	..	..	..	2	19	..	..	..
Promissory Notes	12	2	10	10	..	37	0	0	..	....	..	..	..	..	..	2	8	..	..	..
Rent	5	1	4	4	..	15	10	0	..	....	..	..	..	..	..	..	..	..	..	..
Board and Lodging	3	2	1	1	..	10	0	0	..	....	..	..	..	..	..	..	..	..	..	..
Trespass on Land	2	..	2	2	..	3	0	0	..	....	..	..	..	..	..	..	..	..	..	..
Trespass on Person	3	1	2	1	1	4	0	0	..	....	..	..	..	..	1	1	..	..	..	..
Illegal Distraint.....	1	1	..	..	..	2	0	0	..	....	..	..	..	..	..	..	..	..	..	..
Trover	3	1	2	2	..	2	5	0	..	....	..	..	..	..	..	..	..	..	..	..
Breach of Contract	4	1	3	3	..	5	0	0	..	....	..	1	..	..	2	1	..	..	..	..
Wages, Work, and Labour	4	1	3	3	..	2	0	0	..	....	..	..	..	..	..	..	..	..	..	..
Libel, Slander, or Defamation	3	..	3	2	1	3	10	0	..	....	..	..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..
Sales of Live Stock	1	1	..	..	..	0	8	0	..	....	..	..	..	..	..	..	..	..	..	..
Money Lent.....	3	2	1	1	..	2	10	0	..	....	..	..	..	..	..	..	..	..	..	..
Partnership .....	..	..	..	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..
Interpleader.....	..	..	..	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction.....	..	..	..	..	..	..	..	..	..	....	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	3	1	2	2	..	1	8	0	..	....	..	..	..	..	..	..	..	..	..	..

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.

RALPH CLEMENGER,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of QUEANBEYAN, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	67	124	50	70	59	11	£	s.	d.	4	1862.	28 May..	2	..	4	}	..	68	2																																																																																				
Promissory Notes	22																							26 Aug...	2	..	4																																																																																
Rent	3																											25 Nov...	2	..	3																																																																												
Board and Lodging	6																															1863.	26 Feb...	1	..																																																																								
Trespass on Land	4																																			1																																																																				
Trespass on Person	4																																							1																																																																
Illegal Distraint																																											1																																																												
Illeg. Distraint																																															1																																																								
Trover	8																																																			1																																																				
Breach of Contract	7																																																							1																																																
Wages, Work, and Labour	40																																																											1																																												
Libel, Slander, or Defamation..	2																																																															1																																								
Commission on Agency																																																																			1																																				
Sales of Live Stock																																																																							1																																
Money Lent.....	26																																																																											1																												
Partnership																																																																															1																								
Interpleader.....	..																																																																																			1																				
Intestacy																																																																																							1																
Legacy																																																																																											1												
Possession of Tenements																																																																																															1								
Replevin																																																																																																			1				
Consent Jurisdiction																																																																																																							1
Causes of Action not specified above																																																																																																										
Account stated	84	1																																																																																																						
Money had and received, Money paid.....	19					1																																																																																																		
Trespass to Personal Property..	3									1																																																																																														
Detinue	4													1																																																																																										
Use and Occupation	1																	1																																																																																						

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 COOMA, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	Defendant.		Of Appeals	Of Judgments 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	19	6	13	12	1	£ 52	13	4	} Cooma	} 1862. 4 March .. 17 June .. 2 Sept .. 2 Dec. ...	} ..	} 3	} 7	} 5	} 4				
Promissory Notes	11	5	6	5	1	27 15 6	6	....	..									
Rent .....	..	..	..	..	..	....	....	....	..		
Board and Lodging .....	..	..	..	..	..	....	....	....	..		
Trespass on Land	2	..	2	2	..	34 5 2	2	....	..									
Trespass on Person .....	..	..	..	..	..	....	....	....	..		
Illegal Distraint .....	..	..	..	..	..	....	....	....	..		
Trover	1	1	..	..	..	0 8 0	..	....	..								
Breach of Contract	4	1	3	2	1	16 18 0	2	....	..									
Wages, Work, and Labour	8	4	4	2	2	14 18 5	2	....	..									
Libel, Slander, or Defamation	2	1	1	1	..	16 3 6	1	....	..									
Commission on Agency .....	..	..	..	..	..	....	....	....	..		
Sales of Live Stock .....	..	..	..	..	..	....	....	....	..		
Money Lent	4	2	2	2	..	15 8 0	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.

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, 1863, 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.	Plaintiff	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	..	12	12	..	£ 7 8 0														
Promissory Notes	3	..	3	3	..	3 3 6														
Rent	1	..	1	..	1	0 8 0														
Board and Lodging .....	..	..	..	..	..	..								
Trespass on Land .....	..	..	..	..	..	..								
Trespass on Person	1	..	1	1	..	13 11 6														
Illegal Distraint.....	..	..	..	..	..	..								
Trover .....	..	..	..	..	..	..								
Breach of Contract .....	..	..	..	..	..	..								
Wages, Work, and Labour	1	..	..	..	1	6 6 0														
Libel, Slander, or Defamation.....	2	1	1	1	..	12 1 0														
Commission on Agency	1	1	..	..	..	0 5 6														
Sales of Live Stock .....	..	..	..	..	..	..								
Money Lent.....	..	..	..	..	..	..								
Partnership .....	..	..	..	..	..	..								
Interpleader .....	..	..	..	..	..	..								
Intestacy .....	..	..	..	..	..	..								
Legacy .....	..	..	..	..	..	..								
Possession of Tenements .....	..	..	..	..	..	..								
Replevin .....	..	..	..	..	..	..								
Consent Jurisdiction .....	..	..	..	..	..	..								
Causes of Action not specified above	..	..	..	..	..	..								
Money entrusted by Plaintiff to De-fendant's care, and not accounted for	1	..	1	..	1	8 14 6														

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

THOMAS FOX,
late Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of Young, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	15	7	8	8	..	£ s. d.	..	..	..	} Young ..	1863. 15 Jan. ...	1	7	..	}	..	..	..	..							
Promissory Notes	3	1	2	1	..	22 18 8	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Rent .....	..	..	..	..	..	6 19 0	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Board and Lodging	2	..	2	2	..	6 1 0	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Trespass on Land .....	..	..	..	..	..	..	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Illegal Distraint .....	..	..	..	..	..	..	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Trover .....	..	..	..	..	..	..	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Breach of Contract	2	..	2	2	..	13 10 8	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour	2	..	2	2	..	2 19 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	4	2	2	2	..	8 2 2	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Issue from Supreme Court, Sec. 98 of the Act	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

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

J. R. EDWARDS,
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, 1863, and the other particulars required by the said Act.

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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 theittings 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.	Plaintiff	Defendant.		Of Appeals	Of Judgments 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	61	30	31	29	2	} 800 0 0	{ 3	1	1	1	Albury	} 1862.	} March	12	7	} 4	} 3	} 1	} 2	} 1	
Promissory Notes	3	1	2	2	..									13	7½						
Rent	2	1	1	1	..									14	6½						
Board and Lodging	2	1	1	1	..									15	4½						
Trespass on Land	1	..	1	1	..									} June ..	11						3
Trespass on Person										12						8
Illegal Distraint .....	..	..	..	..	..									13	7½	
Trover .....	..	..	..	..	..									14	6½	
Breach of Contract	9	4	5	3	2									16	7						
Wages, Work, and Labour	22	7	15	14	1									17	5						
Libel, Slander, or Defamation	1	1									} Sept. ...	9						6
Commission on Agency	1	..	1	1	..										10						6½
Sales of Live Stock									} Dec. ..	11						7
Money Lent	6	3	3	3	..										12						7
Partnership .....	..	..	..	..	..									13	4	
Interpleader	3	..	3	1	2									10	6						
Intestacy .....	..	..	..	..	..									11	7	
Legacy .....	..	..	..	..	..									..	..
Possession of Tenements .....	..	..	..	..	..									..	..
Replevin	1	1	..	..	..									..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..							
Causes of Action not specified above	50	16	34	25	9	..	..												
	162	65	97	81	16																

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.

H. S. ELLIOTT,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of TUMUT, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	18	3	15	18	..	26	6	9	}	Tumut ..	1862. 3 March 2 June... 28 Aug... 27 Nov...	1 1 2 1	..	..	18	}	..	..				
Promissory Notes	14	5	9	14	..	21	15	4						..	..				..	..	..	..	14	
Rent .....	..	..	..	..	..	..	..	..						..	..				..	..	..	..	..	..
Board and Lodging	3	2	1	3	..	..	..	..						..	..				..	..	..	..	3	..
Trespass on Land .....	..	..	..	..	..	..	..	..						..	..				..	..	..	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	..						..	..				..	..	..	..	..	..
Illegal Distraint .....	..	..	..	..	..	..	..	..						..	..				..	..	..	..	..	..
Trover .....	..	..	..	..	..	..	..	..						..	..				..	..	..	..	..	..
Breach of Contract	10	1	9	10	..	25	0	9						..	..				..	..	..	..	9	..
Wages, Work, and Labour	2	..	2	2	..	5	7	6						..	..				..	..	..	..	..	..
Libel, Slander, or Defamation	1	..	1	1	..	21	0	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 .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	48	11	37																					

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

JOHN F. BLAKE,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of DENLIQUIN, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	61	40	21	21	..	106	4	6	Not granted.
Promissory Notes	5	5	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Rent .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Board and Lodging	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Land	2	..	2	2	..	15	14	8	..	..	..	..	..	..	..	..	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Illegal Distraint .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trover	4	3	1	1	..	18	6	6	..	..	..	..	..	..	..	..	..	..	..
Breach of Contract	2	..	2	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour	20	12	8	7	1	51	4	2	..	..	..	..	..	..	..	..	..	..	..
Libel, Slander, or Defamation	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Sales of Live Stock .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Money Lent	5	5	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Partnership .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Interpleader .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	33	14	19	16	3	144	0	2	..	..	..	..	..	..	..	..	..	..	..

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 HAY, during the Twelve Months preceding the 1st day of March, 1863, 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.	
	Commenced.	Settled without hearing.	Tried.	Plaintiff	Defendant.		Of Appeals	Of Judgments 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	17	13	2	2	..	67 14 6	}	Hay	{	27 March	1	..	2	10	1	
Promissory Notes	3	..	2	1	1	12 11 8														
Rent .....	..	..	..	..	..	..								
Board and Lodging	1	..	1	1	..	5 7 4														
Trespass on Land .....	..	..	..	..	..	..								
Trespass on Person	1	1	..	..	..	4 3 0											
Illegal Distraint .....	..	..	..	..	..	..								
Trover	1	..	1	1	..	18 2 10														
Breach of Contract .....	..	..	..	..	..	..								
Wages, Work, and Labour	13	2	7	6	1	55 0 2														
Libel, Slander, or Defamation .....	..	..	..	..	..	..								
Commission on Agency .....	..	..	..	..	..	..								
Sales of Live Stock .....	..	..	..	..	..	..								
Money Lent	2	2	..	..	..	1 16 0											
Partnership .....	..	..	..	..	..	..								
Interpleader .....	..	..	..	..	..	..								
Intestacy .....	..	..	..	..	..	..								
Legacy .....	..	..	..	..	..	..								
Possession of Tenements	1	..	..	..	..	4 12 6										
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 FORSYTH,
 Registrar, District Court.

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

A RETURN of the Number of Suits commenced in the District Court of DUNGOO, during the Twelve Months preceding the 1st day of March, 1863, 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.								
	Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals.	Of Judgments 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	19	8	11	11	..	32 0 6	}	}	}	Dungog..	1862. 25 and 26 July.....	1	3	..	11	..	1	1	Absence of Defendant at Trial.								
Promissory Notes	15	3	12	11	1	7 19 3								..	12	
Rent	1	..	1	1	..	2 5 3								..	1
Board and Lodging
Trespass on Land
Trespass on Person	2	1	1	..	1	7 12 8								1
Illegal Distraint.....
Trover	3	1	2	1	1	38 15 6								2
Breach of Contract.....	3	..	3	2	1	72 0 8								2	1
Wages, Work, and Labour	2	..	2	1	1	8 12 6								1	2
Libel, Slander, or Defamation	3	1	2	2	..	34 10 4					..	..	..	..	..	..	..	1		1	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..					..	..	..	..	..	..	..	..		..	..	..	..	..
Sales of Live Stock	1	..	1	1	..	1 12 0					..	..	..	..	..	..	..	..		1	..	..	..	..
Money Lent	1	..	1	1	..	0 3 6					..	..	..	..	..	..	..	..		1	..	..	..	..
Partnership .....	..	..	..	..	..	..					..	..	..	..	..	..	..	..		..	..	..	..	..
Interpleader.....	..	..	..	..	..	..					..	..	..	..	..	..	..	..		..	..	..	..	..
Intestacy .....	..	..	..	..	..	..					..	..	..	..	..	..	..	..		..	..	..	..	..
Legacy .....	..	..	..	..	..	..					..	..	..	..	..	..	..	..		..	..	..	..	..
Possession of Tenements	1	..	1	..	1	5 8 10					..	..	..	..	..	..	..	..		1	..	..	..	..
Replevin .....	..	..	..	..	..	..					..	..	..	..	..	..	..	..		..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	4	2	2	2	..	19 18 11	..	..	..	..	..	..	..	..	1	..	..	..	..				
	55	16	39	33	6	230 19 11								4	34	1	1	1									

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 WOLLOMBI, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	3	..	2	2	..	2 3 3	..	..	..	} Wollombi	{	1862.	..	7	..	..	..	..	..						
Promissory Notes	10	3	6	6	..	14 7 1	..	..	..											1	..	..	..	..	..	..	..	..	..
Rent	1	..	..	..	..	1 4 0	..	..	..											1	..	..	..	..	..	..	..	..	..	..
Board and Lodging .....	..	..	..	..	..	..	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Trespass on Land .....	..	..	..	..	..	..	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Trespass on Person	1	..	1	1	..	2 13 6	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Illegal Distrant.....	..	..	..	..	..	..	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Trover .....	..	..	..	..	..	..	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Breach of Contract	3	..	3	2	1	6 16 8	..	..	..											..	..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour .....	..	..	..	..	..	..	..	..	..											..	..	..	..	..	..	..	..	..	..	..
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.

J. N. BROOKS,
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, 1863, 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.	Plaintiff	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	142	41	101	96	5	39 9 5	Two cases of appeal arising from cases in the year 1861, not yet delivered.	}		Newcastle	1862. 30 April, and 1, 2, and 3 May, and by ad- jour- nment on the 8 and 9 May ..	} 6	..	..	101						
Promissory Notes	14	3	11	11	..	42 3 0														..	11
Rent	5	1	4	4	..	17 12 1														..	4
Board and Lodging	1	1	..	..	..	0 5 0														..	..
Trespass on Land .....	..	..	..	..	..	..														..	..
Trespass on Person	1	..	1	1	..	2 9 10														..	1
Illegal Distraint .....	..	..	..	..	..	..														..	..
Trover .....	..	..	..	..	..	..														..	..
Breach of Contract	6	3	3	3	..	37 17 2														..	3
Wages, Work, and Labour	13	..	13	11	2	73 12 4														..	13
Libel, Slander, or Defamation	3	1	2	1	1	38 9 4														..	2
Commission on Agency .....	..	..	..	..	..	..														..	..
Sales of Live Stock .....	..	..	..	..	..	..														..	..
Money Lent	3	2	1	1	..	7 6 7														..	1
Partnership .....	..	..	..	..	..	..														..	..
Interpleader .....	..	..	..	..	..	..														..	..
Intestacy .....	..	..	..	..	..	..														..	..
Legacy .....	..	..	..	..	..	..														..	..
Possession of Tenements .....	..	..	..	..	..	..	..	..					
Replevin .....	..	..	..	..	..	..	..	..					
Consent Jurisdiction .....	..	..	..	..	..	..	..	..					
Causes of Action not specified above	4	1	3	3	..	5 7 8	..	2													

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.

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

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, 1863, and the other particulars required by the said Act.

32

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.	Plaintiff	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	9	3	3	..	£ s. d. 345 18 9	..	26	East Maitland	1862. 11 Aug. 12 Aug. 13 Aug. 14 Aug. 15 Aug. 16 Aug.	5	3	3	23	1	7	2	Additional evidence.
Promissory Notes	11	4	7	7	..																	
Rent	3	1	2	2	..																	
Board and Lodging .....	..	..	..	..	..												
Trespass on Land	2	1	1	1	..																	
Trespass on Person	1	..	1	1	..																	
Illegal Distraint.....	..	..	..	..	..												
Trover	3	2	1	1	..																	
Breach of Contract.....	6	2	4	2	2																	
Wages, Work, and Labour	3	2	1	1	..																	
Libel, Slander, or Defamation.....	3	3	..	..	..														
Commission on Agency.....	..	..	..	..	..												
Sales of Live Stock	1	1	..	..	..														
Money Lent.....	8	4	4	2	2																	
Partnership .....	..	..	..	..	..												
Interpleader.....	2	..	2	2	..																	
Intestacy .....	..	..	..	..	..												
Legacy .....	..	..	..	..	..												
Possession of Tenements .....	..	..	..	..	..												
Replevin .....	..	..	..	..	..												
Consent Jurisdiction.....	..	..	..	..	..												
Causes of Action not specified above	..	..	..	..	..												
	55	29	26	22	4							8	6	3	23	1	7	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.
 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, 1863, and the other particulars required by the said Act.

66—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.	Plaintiff	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	27	15	12	11	1	£ s. d. 526 9 7	1	45	....	West Maitland.	1862. May 12..	..	..	5	41	..	9	1	Before a Jury.														
Promissory Notes	23	15	8	8	..															..	..	..	..	..	..	..	..	..	..	..	..	..
Rent	4	2	2	1	1															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Board and Lodging .....	..	..	..	..	..															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Land	1	..	1	1	..															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Person	4	2	2	..	2															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Illegal Distraint	1	..	1	1	..															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trover	11	5	6	5	1															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Breach of Contract	4	..	4	4	..															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour	4	1	3	2	1															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Libel, Slander, or Defamation	3	1	2	2	..															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Sales of Live Stock	1	..	1	1	..															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Money Lent	4	2	2	1	1															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Partnership .....	..	..	..	..	..															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Interpleader	1	..	1	1	..															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..															..	..	..	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	3	2	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
	91	45	46	38	8							14	2																				

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.

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

A RETURN of the Number of Suits commenced in the District Court of SINGLETON, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff.	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	24	7	17	17	..	98	12	0	Singleton	1862. May, 28.. Aug., 27 Nov., 26.. 1863. Feb. 25 ..	3 3 3 3	17 10 2
Promissory Notes	13	2	10	10	..	36	4	0	..	..	1	..										
Rent	3	..	2	2	..	17	10	0	..	..	1	..										
Board and Lodging .....	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Land	1	..	1	1	..	27	0	0	..	..	..	..								
Trespass on Person .....	..	..	..	..	..	..	..	..	..	..	..	..
Illegal Distraint .....	..	..	..	..	..	..	..	..	..	..	..	..
Trover	8	1	5	3	2	67	10	0	..	..	2	..										
Breach of Contract	4	1	3	3	..	26	5	6	1	..	..	..									
Wages, Work, and Labour	12	5	6	5	1	16	8	0	..	..	1	..										
Libel, Slander, or Defamation	2	..	2	2	..	25	0	0	..	..	..	..								
Commission on Agency .....	..	..	..	..	..	..	..	..	..	..	..	..
Sales of Live Stock .....	..	..	..	..	..	..	..	..	..	..	..	..
Money Lent	2	1	1	1	..	0	10	0	..	..	..	..								
Partnership .....	..	..	..	..	..	..	..	..	..	..	..	..
Interpleader	2	1	1	1	..	2	3	0	..	..	..	..								
Intestacy .....	..	..	..	..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	2	..	2	1	1	14	5	6	..	..	..	..								

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.

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, 1863, 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.	Plaintiff	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	} Exclusive of two suits continued from preceding year.	}	}	}	42	8	6	} 1 adj.	} 4 non-suits.	} Muswell-brook..	} 1862.	} 4 Mar... 2	} 13	} 5	} 21	} 1	
Promissory Notes	11																				
Rent	1																				
Board and Lodging .....	..																			
Trespass on Land	1																				
Trespass on Person	2																				
Illegal Distrain .....	..																			
Trover	1																				
Breach of Contract	2																				
Wages, Work, and Labour	4																				
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.

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, 1863, 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.																	
	Commenced	Settled without hearing.	Tried.	Plaintiff	Defendant.		Of Appeals	Of Judgments 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	2	1	1	1	..	£ 2 2 0	}	..	....	....	..	Scone....	1562. 11 March	1	..	..	2	..	..	}	The Jury not agreeing.														
Promissory Notes	5	1	4	4	..	4 2 9								..	..	..	..	..	..			..	..	..	..	..	..	..	..
Rent .....	..	..	..	..	..	..								..	..	..	..	..	..			..	..	..	..	..	..	..	..	}	Inadequacy of damages.				
Board and Lodging	1	..	1	..	1	0 8 6								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..
Trespass on Land	1	..	1	1	..	3 1 0								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..
Trespass on Person	3	..	3	2	1	7 9 0								..	..	..	..	..	..			..	..	..	..	..	2	2	..			..	..
Illegal Distraint.....	..	..	..	..	..	..								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..
Trover .....	..	..	..	..	..	..								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..
Breach of Contract.....	..	..	..	..	..	..								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..
Wages, Work, and Labour	1	..	1	1	..	1 5 0								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..
Libel, Slander, or Defamation	1	..	1	..	1	1 17 3								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..
Commission on Agency .....	..	..	..	..	..	..								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..
Sales of Live Stock	1	..	1	..	1	1 2 0								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..
Money Lent.....	..	..	..	..	..	..								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..	..
Partnership .....	..	..	..	..	..	..								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..	..
Interpleader.....	..	..	..	..	..	..								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..	..
Intestacy .....	..	..	..	..	..	..								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..	..
Legacy .....	..	..	..	..	..	..								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..	..
Replevin .....	..	..	..	..	..	..								..	..	..	..	..	..			..	..	..	..	..	..	..	..			..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
TOTALS	15	2	13	9	4	21 7 6								5	4	3	12	..	2	2															

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

JAMES T. WILSHIRE,
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, 1863, 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.	Plaintiff.	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	3	..	} £ s. d. 11 17 9	..	11	Paterson	1862. 21 March 19 Sept	4	1	..	11	
Promissory Notes	3	1	2	2	..															
Rent .....	..	..	..	..	..										
Board and Lodging	1	..	1	1	..															
Trespass on Land .....	..	..	..	..	..										
Trespass on Person .....	..	..	..	..	..										
Illegal Distraint .....	..	..	..	..	..										
Trover	1	..	1	1	..															
Breach of Contract	1	..	1	..	1															
Wages, Work, and Labour	5	4	1	1	..															
Libel, Slander, or Defamation	2	1	1	1	..															
Commission on Agency	1	..	1	1	..															
Sales of Live Stock	2	2	..	..	..												
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.

R. STUDDERT,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of MURRURUNDI, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	4	12	12	..	23	2	0	..	..	..	..	..	..	..	..	..	..	..
Promissory Notes	6	..	6	6	..	19	9	10	..	..	..	..	..	..	..	..	..	..	..
Rent .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Board and Lodging	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Land .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Illegal Distraint.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Trover .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Breach of Contract	3	1	2	2	..	23	10	8	..	..	..	..	..	1	1	..	..	..	..
Wages, Work, and Labour	3	..	2	2	..	11	13	6	..	..	..	..	..	..	2	..	..	..	..
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	3	1	2	2	..	11	1	9	..	..	..	..	..	..	2	..	..	..	..
	32	7	24	24	..	88	17	9	..	..	..	..	20	1	23	..	..	..	..

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. G. BRODIE,
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, 1863, 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.	Plaintiff	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	82	51	31	29	2	£ s. d.										82				
Promissory Notes	65	37	28	27	1	36 9 6									1	64				
Rent	5	5	..	..	..	2 13 9									..	5			
Board and Lodging	4	1	3	2	1	1 15 6									..	4				
Trespass on Land .....	..	..	..	..	..	..									3	..			
Trespass on Person	3	1	2	1	1	3 9 0									..	..		
Illegal Distraint .....	..	..	..	..	..	..									..	..
Trover	5	2	3	3	..	3 13 6									..	5				
Breach of Contract	3	..	3	1	2	3 4 3									..	3				
Wages, Work, and Labour	16	9	7	7	..	6 0 0									..	16				
Libel, Slander, or Defamation	1	1	..	..	..	1 3 9									..	1			
Commission on Agency .....	..	..	..	..	..	..									..	..
Sales of Live Stock .....	..	..	..	..	..	..									..	..
Money Lent	5	5	..	..	..	5 11 9									..	5			
Partnership	1	..	1	1	..	0 8 0									..	1				
Interpleader .....	..	..	..	..	..	..									..	..
Intestacy .....	..	..	..	..	..	..									..	..
Legacy .....	..	..	..	..	..	..									..	..
Possession of Tenements .....	..	..	..	..	..	..									..	..
Replevin .....	..	..	..	..	..	..									..	..
Consent Jurisdiction .....	..	..	..	..	..	..									..	..
Causes of Action not specified above .....	..	..	..	..	..	..									..	..
Destruction of Property	1	1	..	..	..	0 5 0									..	1			
	191	113	78	71	7	97 2 10						5	9	4	187					

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, 1863, 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.	Plaintiff	Defen- dant.	£	s.	d.	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	26	17	17	..	} 230	3	6	..	....	....	..	Tamworth	1862.	19 June..	1	..	..	..	..	..	..	..													
Promissory Notes	18	11	7	6	1																					
Rent	
Board and Lodging	1	..	1	1	
Trespass on Land	1	1	
Trespass on Person	1	..	1	1	
Illegal Distrain	
Trover	5	3	2	1	1																			1862.	20 "	1	
Breach of Contract	3	1	2	2	9 Oct. ..	1	
Wages, Work, and Labour	13	6	7	6	1																			10 "	1	1	
Libel, Slander, or Defamation	1863.	9 April	1
Commission on Agency	10 "	1
Sales of Live Stock	11 "	1
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.

JNO. M'DONALD,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of TENTERFIELD, during the Twelve Months preceding the 1st day of March, 1863, and the other particulars required by the said Act.

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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.	Plaintiff	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		21	12	10	2	13 1 6	..	....	4	Tenterfield	1862. 8 July ..	2	From 9 a.m. to 5 p.m., each day.	..	33	..	1				
Promissory Notes		4	2	2	..	5 2 6	..	....	2					..	6	..	1				
Rent		1	2	1	..	1 7 6	..	....	..					..	3	..	2				
Board and Lodging .....		..	2	2	..	1 10 0	..	....	2					..	2	..	..		
Trespass on Land .....		..	..	..	..	..	..	....	..					..	1	..	..		
Trespass on Person .....		..	1	..	1	0 7 6	..	....	..					..	..	..	..
Illegal Distraint.....		..	..	..	..	..	..	....	..					..	..	..	..
Trover .....		..	..	..	..	..	..	....	..					..	..	..	..
Breach of Contract		1	1	..	1	4 10 0	..	....	2					..	..	..	..
Wages, Work, and Labour		3	2	2	..	2 0 0	..	....	..					..	1	..	1				
Libel, Slander, or Defamation .....		..	1	1	..	3 0 0	..	....	..					..	..	..	3				
Commission on Agency .....		..	..	..	..	..	..	....	..					..	..	..	..
Sales of Live Stock		2	2	..	2	3 5 0	..	....	..					..	1	..	3				
Money Lent.....		1	1	1	..	0 15 0	..	....	..					..	..	..	2				
Partnership .....		..	1	..	1	4 0 0	..	....	..					..	1	..	..				1
Interpleader .....		..	..	..	..	..	..	....	..					..	..	..	..				..
Intestacy .....		..	..	..	..	..	..	....	..					..	..	..	..				..
Legacy .....		..	..	..	..	..	..	....	..	..	..	..	..				..
Possession of Tenements .....		..	..	..	..	..	..	....	..	..	..	..	..				..
Replevin .....		..	..	..	..	..	..	....	..	..	..	..	..				..
Consent Jurisdiction		14	..	..	..	5 12 6	..	....	..	..	..	..	14				..				
Causes of action not specified above		2	2	1	1	4 15 0	..	....	1	..	..	..	3				..				
	17 November, 1862—for January Sittings, 1863. 20 May, 1862—for July Sittings, 1862.	49	29	20	9	49 6 6	..	....	11			5		5	73	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.

T. B. DOWLING,
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, 1863, 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.	Plaintiff.	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	20	10	10	8	2	27 4 6	..	8							10	} Unable to attend, from floods.	
Promissory Notes	5	1	4	4	..	13 19 3	..	4						..	4	..	..	..
Rent .....	..	..	..	..	..	..	..	..						..	..	..	..	..
Board and Lodging .....	..	..	..	..	..	..	..	..						..	..	..	..	..
Trespass on Land .....	..	..	..	..	..	..	..	..						..	..	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	..						..	..	..	..	..
Illegal Distraint .....	..	..	..	..	..	..	..	..						..	..	..	..	..
Trover .....	..	..	..	..	..	..	..	..						..	..	..	..	..
Breach of Contract	3	..	2	2	..	8 6 2	1	..						..	2	..	1	1
Wages, Work, and Labour	3	1	2	2	..	4 19 3	..	2						..	2	..	..	..
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	..						..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	..						..	..	..	..	..
Sales of Live Stock	6	..	6	4	2	21 16 6	..	4						..	6	..	..	..
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.

GEO. COBLEY,
Registrar, District Court.

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, 1863, 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.	Plaintiff	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	9	3	6	6	..	23 10 0	..	..	..	Port Macquarie	1862. 13 and 15 March .. 11 and 12 Sept. ..	3	17	..	9	..	..	..		
Promissory Notes	8	2	6	6	..	11 0 0	..	..	..					..	..	..	..	..	6	..	..	..
Rent	1	..	1	1	..	0 9 0	..	..	..					..	..	..	..	..	1	..	..	..
Board and Lodging .....	..	..	..	..	..	..	..	..	..					..	..	..	..	..	..	..	..	..	..
Trespass on Land	1	..	1	1	..	30 4 4	..	..	..					..	..	..	..	..	1	..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	..	..					..	..	..	..	..	..	..	..	..	..
Illegal Distrain .....	..	..	..	..	..	..	..	..	..					..	..	..	..	..	..	..	..	..	..
Trover .....	..	..	..	..	..	..	..	..	..					..	..	..	..	..	..	..	..	..	..
Breach of Contract .....	..	..	..	..	..	..	..	..	..					..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour	2	2	..	..	..	1 8 6	..	..	..					..	..	..	..	..	2	..	..	..	..
Libel, Slander, or Defamation	3	1	2	2	..	64 7 2	..	..	..					..	..	..	..	2	1	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	..	..					..	..	..	..	..	..	..	..	..	..
Sales of Live Stock .....	..	..	..	..	..	..	..	..	..					..	..	..	..	..	..	..	..	..	..
Money Lent	2	..	..	..	..	1 3 6	..	..	..					..	..	2	14½	..	2	..	..	..	..
Partnership .....	..	..	..	..	..	..	..	..	..					..	..	..	..	..	..	..	..	..	..
Interpleader .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Intestacy	1	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	5	..	4	2	2	18 9 2	..	..	1	..	..	..	..	..	4	..	..	..	..

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.)

A RETURN of the Number of Suits commenced in the District Court of WEST KEMPSEY, during the Twelve Months preceding the 1st day of March, 1863, 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. £ 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.	Plaintiff	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	4	8	8	..	9	8	6	{ West Kempsey	{ 11 Mar. 12 Mar. 8 Sept. 9 Sept.	..	1	3 0 7 6	} ..	18	
Promissory Notes .....	..	..	..	..	..	..	..	..				
Rent .....	..	..	..	..	..	..	..	..				
Board and Lodging .....	..	..	..	..	..	..	..	..				
Trespass on Land	1	..	1	1	..	0	7	0												
Trespass on Person .....	..	..	..	..	..	..	..	..				
Illegal Distraint	1	..	1	..	1	0	8	0												
Trover .....	..	..	..	..	..	..	..	..				
Breach of Contract	8	4	4	3	1	4	0	6												
Wages, Work, and Labour	2	1	1	1	..	1	15	6												
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	..				
Commission on Agency .....	..	..	..	..	..	..	..	..				
Sales of Live Stock	1	1	..	..	..	1	7	9									
Money Lent	1	..	1	..	1	1	0	6												
Partnership .....	..	..	..	..	..	..	..	..				
Interpleader	1	..	1	..	1	0	8	3												
Intestacy .....	..	..	..	..	..	..	..	..				
Legacy .....	..	..	..	..	..	..	..	..				
Possession of Tenements .....	..	..	..	..	..	..	..	..				
Replevin .....	..	..	..	..	..	..	..	..				
Consent Jurisdiction .....	..	..	..	..	..	..	..	..				
Causes of Action not specified above	1	..	1	..	1	0	11	0												
	28	10	18	13	5	19	7	0												

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. CASEY,
Registrar, District Court.

A. RETURN of the Number of Suits commenced in the District Court of WINGHAM, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	29	7	22	17	5	44 9 10	..	....	....	..	Wingham	1862. 19 Mar.	1	9	2	19	1	..	..	..	Defendant being absent from District when summons served, and being unable to attend or bring witnesses.																																																																																																																																																																														
Promissory Notes	1	..	1	..	1	0 9 6	..	....	....	..												17 Sept.	1	9	..	1	..	..	..	..	..	..																																																																																																																																																																				
Rent	1 10 10																							18 Sept.	1	7																																																																																																																																																														
Board and Lodging	1	..	1	..	1	9 13 6																																			3	25																																																																																																																																																		
Trespass on Land	1	..	1	1																																																																																																																																						
Trespass on Person																																																																																																																										
Illegal Distrain't																																																																																																														
Trover																																																																																																		
Breach of Contract	1	..	1	1	..	1 1 8																																																																																						
Wages, Work, and Labour	8	..	8	7	1	32 13 7																																																																										
Libel, Slander, or Defamation	2	1	10 12 10	1																																																																																																																																																																																				
Commission on Agency																																																		
Sales of Live Stock																																						
Money Lent	2	..	2	1	1	7 18 4																										
Partnership														
Interpleader		
Intestacy
Legacy																																																																																																																																																																																					
Possession of Tenements	1	1	2 13 10																																																																																																																																																																										
Replevin																																																																																																																																																														
Consent Jurisdiction																																																																																																																																																		
Causes of Action not specified above	4	1	3	1	2	1 5 6																																																																																																																																						

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

JASPER CREAGH,
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, 1863, and the other particulars required by the said Act.

46

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.	Plaintiff.	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	75	27	39	38	1	£ s. d.	}	Grafton..	}	1862.	3	19	}	
Promissory Notes	26	8	17	16	1	38 13 6														
Rent	2	1	1	1	..	20 8 6														
Board and Lodging	3	1	1	1	..	0 7 6														
Trespass on Land .....	..	..	..	..	..	2 17 6									
Trespass on Person .....	..	..	..	..	..	.....								
Illegal Distrain't .....	..	..	..	..	..	.....								
Trover	1	..	1	..	..	0 3 9												
Breach of Contract	11	4	7	4	3	14 2 6														
Wages, Work, and Labour	11	1	6	5	1	7 3 3														
Libel, Slander, or Defamation	1	1	..	..	..	1 0 0											
Commission on Agency .....	..	..	..	..	..	.....								
Sales of Live Stock	2	2	..	..	..	2 13 6											
Money Lent	5	2	3	2	1	3 2 0														
Partnership .....	..	..	..	..	..	.....								
Interpleader .....	..	..	..	..	..	.....								
Intestacy .....	..	..	..	..	..	.....								
Legacy .....	..	..	..	..	..	.....								
Possession of Tenements .....	..	..	..	..	..	.....								
Replevin .....	..	..	..	..	..	.....								
Consent Jurisdiction .....	..	..	..	..	..	.....								
Causes of Action not specified above .....	..	..	..	..	..	.....								
Value of Crops	1	..	1	1	..	0 10 6														
Carriage of Goods	1	..	1	1	..	0 3 6														
Damages sustained	2	..	2	1	1	1 12 0														
	141	47	79	71	8	92 18 0							11	61						

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.

A RETURN of the Number of Suits commenced in the District Court of BATHURST, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	200																			
Promissory Notes	96																			
Rent	13																			
Board and Lodging	8																			
Trespass on Land	13																			
Trespass on Person	2																			
Illegal Distraint	2																			
Trover	2																			
Breach of Contract	11																			
Wages, Work, and Labour	56																			
Libel, Slander, or Defamation	3																			
Commission on Agency	8	203	248	214	34	535	13	6	..	....	....	20	Bathurst	1862. 26 May .. 4 19 25 Aug. .. 5 22 19 Nov. .. 8 40	15	233	1	4	1	For produc-tion of further evidence.
Sales of Live Stock	8													1863. 18 Mar. .. 4 23						
Money Lent	11																			
Partnership	2																			
Interpleader	2																			
Intestacy .....	..																		
Legacy .....	..																		
Possession of Tenements .....	..																		
Replevin .....	..																		
Consent Jurisdiction .....	..																		
Causes of Action not specified above	46																			
	471																			

N.B.—During the above period there have been 160 cases tried in the Bathurst Court of Requests; under 10 Viet., 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.

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

A RETURN of the Number of Suits commenced in the District Court of SOFALA, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	24	4	14	14	..	29	7	3												
Promissory Notes	7	..	5	5	..	9	0	0												
Rent .....	..	..	..	..	..	..	..	..				
Board and Lodging .....	..	..	..	..	..	..	..	..				
Trespass on Land .....	..	..	..	..	..	..	..	..				
Trespass on Person .....	..	..	..	..	..	..	..	..				
Illegal Distraint.....	..	..	..	..	..	..	..	..				
Trover .....	..	..	..	..	..	..	..	..				
Breach of Contract.....	1	1	..	..	..	3	10	6											
Wages, Work, and Labour .....	..	..	..	..	..	..	..	..				
Libel, Slander, or Defamation.....	2	..	2	2	..	6	19	3												
Commission on Agency.....	..	..	..	..	..	..	..	..				
Sales of Live Stock .....	..	..	..	..	..	..	..	..				
Money Lent.....	2	..	1	1	..	0	18	6												
Partnership	1	1	..	..	..	1	7	6											
Interpleader.....	..	..	..	..	..	..	..	..				
Intestacy .....	..	..	..	..	..	..	..	..				
Legacy .....	..	..	..	..	..	..	..	..				
Possession of Tenements .....	..	..	..	..	..	..	..	..				
Replevin .....	..	..	..	..	..	..	..	..				
Consent Jurisdiction.....	..	..	..	..	..	..	..	..				
Causes of Action not specified above .....	..	..	..	..	..	..	..	..				
Damages	4	1	3	1	2	2	18	9												
										Sofala	1862. 24 April 24 July 17 Nov...	.. .. ..	3 2 3	1	40				

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.

HUGH BRIDSON,
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, 1863, and the other particulars required by the said Act.

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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.	Plaintiff	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	56	31	25	23	2	£ s. d. 362 18 7	..	....	..	Mudgee..	1862. 30 April 30 July.. 12 Nov..	2 3 3	13 12 11	..	25	..	..	..	..						
Promissory Notes	18	13	5	4	1									..	5	..	..			..	..	..	..	..	..	..	..	..
Rent	4	3	1	1	..									..	1	..	..			..	..	..	..	..	..	..	..	..	..
Board and Lodging	3	..	3	2	1									..	3	..	..			..	..	..	..	..	..	..	..	..	..
Trespass on Land	5	3	2	..	2									..	2	..	..			..	..	..	..	..	..	..	..	..	..
Trespass on Person	1	..	1	..	1									..	1	..	..			..	..	..	..	..	..	..	..	..	..
Illegal Distraint .....	..	..	..	..	..									..	..	..	..			..	..	..	..	..	..	..	..	..	..
Trover	7	2	5	2	3									..	2	..	..			..	..	..	..	..	..	..	..	..	..
Breach of Contract	4	2	2	..	2									..	2	..	..			..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour	13	10	3	3	..									..	3	..	..			..	..	..	..	..	..	..	..	..	..
Libel, Slander, or Defamation .....	..	..	..	..	..									..	..	..	..			..	..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..									..	..	..	..			..	..	..	..	..	..	..	..	..	..
Sales of Live Stock	2	1	1	..	1									..	1	..	..			..	..	..	..	..	..	..	..	..	..
Money Lent	3	2	1	1	..									..	1	..	..			..	..	..	..	..	..	..	..	..	..
Partnership	1	1	..	..	..									..	..	..	..			..	..	..	..	..	..	..	..	..	..
Interpleader .....	..	..	..	..	..									..	..	..	..			..	..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..									..	..	..	..			..	..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..									..	..	..	..			..	..	..	..	..	..	..	..	..	..
Possession of Tenements	3	3	..	..	..									..	..	..	..			..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..									..	..	..	..			..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	6	3	3	1	2	..	1	..	..	..	..	..	..	..	3	3	..	1	..										

DISTRICT COURTS ACT OF 1858.—(SECTION 108.)

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 WELLINGTON, during the Twelve Months preceding the 1st day of March, 1863, and the other particulars required by the said Act. 50

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.	Plaintiff	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	9	3	6	6	..	£	s.	d.	}	Wellington.	1862. 13 May 12 Aug. 6 Nov.	..	1 1 1	}	6 2 3 1	}	}	}		
Promissory Notes	5	3	2	2	..	4	3	3												
Rent .....	..	..	..	..	..	1	12	0							
Board and Lodging .....	..	..	..	..	..	..	..	..				
Trespass on Land .....	..	..	..	..	..	..	..	..				
Trespass on Person .....	..	..	..	..	..	..	..	..				
Illegal Distraint .....	..	..	..	..	..	..	..	..				
Trover .....	..	..	..	..	..	..	..	..				
Breach of Contract .....	..	..	..	..	..	..	..	..				
Wages, Work, and Labour	4	1	3	1	2	7	9	0												
Libel, Slander, or Defamation	1	1	..	..	..	1	6	6									
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	4	8	0												

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

FREDERICK MARSH,
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, 1863, 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.	Plaintiff	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	30	16	13	8	5	The costs of suits for four sittings, £102 15s. 6d.	..	13	...	..	} Dubbo..	1862. 10 May .. 9 Aug... 3 Nov... 1863. 2 March	..	3	}	7	30	1												
Promissory Notes	21	14	7	6	1		..	7	...	..										..	..	..	..	..	..	..	..	..	..
Rent	4	..	1	1	..		..	1	...	..										..	..	..	..	..	..	..	..	..	..	..
Board and Lodging .....	..	..	..	..	..		..	..	...	..										..	..	..	..	..	..	..	..	..	..	..
Trespass on Land .....	..	..	..	..	..		..	..	...	..										..	..	..	..	..	..	..	..	..	..	..
Trespass on Person .....	..	..	..	..	..		..	..	...	..										..	..	..	..	..	..	..	..	..	..	..
Illegal Distraint .....	..	..	..	..	..		..	..	...	..										..	..	..	..	..	..	..	..	..	..	..
Trover	2	..	..	..	..		..	..	...	..										..	..	..	..	..	..	..	..	..	..	..
Breach of Contract	5	2	3	2	1		..	..	3	...										..	..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour	17	7	10	9	1		..	..	10	...										..	..	..	..	..	..	..	..	..	..	..
Libel, Slander, or Defamation .....	..	..	..	..	..		..	..	..	...										..	..	..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..		..	..	..	...										..	..	..	..	..	..	..	..	..	..	..
Sales of Live Stock	3	2	1	1	..		..	..	1	...										..	..	..	..	..	..	..	..	..	..	..
Money Lent	4	2	2	1	1		..	..	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.

LUKE McGUINN,
Registrar, District Court.

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

A RETURN of the Number of Suits commenced in the District Court of MOLONG, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	33	3	23	19	1	115	17	6	..	21	12	} .. Molong .. {	1862.	May 17..	..	2	2 ³ / ₄	} ..	33	1	..	..												
Promissory Notes	1	..	1	1	..	1	5	6	..	1	..												..	..	..	..	..	..	..	..	..	..	..
Rent .....	..	..	..	..	..	..	..	..	..	..	..												..	..	..	..	..	..	..	..	..	..	..	..
Board and Lodging .....	..	..	..	..	..	..	..	..	..	..	..												..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Land .....	..	..	..	..	..	..	..	..	..	..	..												..	..	..	..	..	..	..	..	..	..	..	..	..
Trespass on Person	1	..	1	1	..	0	7	11	..	..	..												..	..	..	..	..	..	..	..	..	..	..	..	..
Illegal Distraint .....	..	..	..	..	..	..	..	..	..	..	..												..	..	..	..	..	..	..	..	..	..	..	..	..
Trover .....	..	..	..	..	..	..	..	..	..	..	..												..	..	..	..	..	..	..	..	..	..	..	..	..
Breach of Contract	4	..	2	2	..	11	16	0	..	3	1												..	..	..	..	..	..	..	..	..	..	..	..	..
Wages, Work, and Labour	2	..	..	..	..	0	19	3	..	..	2												..	..	..	..	..	..	..	..	..	..	..	..	..
Libel, Slander, or Defamation
Commission on Agency
Sales of Live Stock
Money Lent	1	..	1	1	..	0	19	3	..	1	..												..	..	..	..	..	..	..	..	..	..	..	..	..
Partnership
Interpleader*
Intestacy
Legacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	2	1	1	1	..	1	16	6	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

* 6 were taken out, but the District Court at Molong was discontinued after the August sitting, and the Interpleaders were handed over to the Forbes Court.

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

JOHN LISCOMBE,
For late Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of ORANGE, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	Defendant.		Of Appeals	Of Judgments 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	66	40	21	14	7	£ s. d.	..	....	....	5	Orange	1862. 20 May .. 19 Aug. 13 Oct. ..	1 2 1	1 10 3	..	....	..	..	..
Promissory Notes	29	16	13	7	6	..	....	....	..	..					..	..	..	..	..	..	..	..
Rent	1	..	1	1	..	14 14 3	..	....	....	..					..	..	..	..	1	9	..	..	..
Board and Lodging	1	1	..	..	..	..	..	....	....	..					..	..	..	..	..	..	..	..	..
Trespass on Land .....	..	..	..	..	..	40 8 9	..	....	....	..					..	..	..	..	4	8	3	1	1
Trespass on Person .....	..	..	..	..	..	..	..	....	....	..					..	..	..	..	..	..	..	..	..
Illegal Distraint .....	..	..	..	..	..	8 11 3	..	....	....	..					..	..	..	..	..	11	..	..	1
Trover .....	..	..	..	..	..	..	..	....	....	..					..	..	..	..	..	..	..	..	1
Breach of Contract	7	..	7	5	2	27 17 3	..	....	....	..					..	..	..	..	..	20	..	..	..
Wages, Work, and Labour	7	2	4	4	..	..	..	....	....	1					..	..	..	..	..	..	..	..	..
Libel, Slander, or Defamation	2	1	1	..	1	..	..	....	....	..					..	..	..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	....	....	..					..	..	..	..	..	..	..	..	..
Sales of Live Stock .....	..	..	..	..	..	..	..	....	....	..					..	..	..	..	..	..	..	..	..
Money Lent	7	3	4	3	1	..	..	....	....	..					..	..	..	..	..	..	..	..	..
Partnership .....	..	..	..	..	..	..	..	....	....	..					..	..	..	..	..	..	..	..	..
Interpleader .....	..	..	..	..	..	..	..	....	....	..					..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	..	..	....	....	..					..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	....	....	..					..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	....	....	..					..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	....	....	..					..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	....	....	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	3	1	2	1	1	..	..	....	....	..	..	..	..	..	..	..	..	..	..
						91 11 6																	

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

W. T. EVANS,
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, 1863, and the other particulars required by the said Act.

54

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.	Plaintiff.	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.				
	1863.					£ s. d.	£ s. d.													
Goods sold	23 May	Sol. Meyer	..	1 0 0	.. 16 8 0	}	..	Carcoar ..	1863. 23 May ..	1								
Promissory Notes .....	"	..	..	Sam. Wood	..	.. .. .	.. .. .										
Rent .....	"	..	..	J. M'Kinzee	..	1 0 0	.. 1 16 8											
Board and Lodging .....	"	..	..	..	..	.. .. .	.. .. .							
Trespass on Land .....	"	..	..	..	..	.. .. .	.. .. .							
Trespass on Person .....	"	..	..	..	..	.. .. .	.. .. .							
Illegal Distraint.....	"	..	..	..	..	.. .. .	.. .. .							
Trover .....	"	..	..	..	..	.. .. .	.. .. .							
Breach of Contract .....	"	..	..	..	..	.. .. .	.. .. .							
Wages, Work, and Labour .....	"	..	..	..	..	.. .. .	.. .. .							
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.

L. V. DULHUNTY,
Registrar, District Court.

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

A. RETURN of the Number of Suits commenced in the District Court of HARTLEY, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	3	12	12	..	£ s. d.	..	12												
Promissory Notes	2	1	1	1	..	8 5 3	..	1												
Rent	1	..	1	1	..	1 13 6	..	1												
Board and Lodging .....	..	..	..	..	..	0 5 6	..	1												
Trespass on Land .....	..	..	..	..	..	..	..	..				
Trespass on Person .....	..	..	..	..	..	..	..	..				
Illegal Distraint .....	..	..	..	..	..	..	..	..				
Trover .....	..	..	..	..	..	..	..	..				
Breach of Contract .....	..	..	..	..	..	..	..	..				
Wages, Work, and Labour .....	..	..	..	..	..	..	..	..				
Libel, Slander, or Defamation	1	..	1	..	1	1 1 3	..	1			Hartley..	1862.								
Commission on Agency .....	..	..	..	..	..	..	..	..				4 March	1							
Sales of Live Stock	1	1	..	..	..	0 6 3	..	..				3 June..	1							
Money Lent	2	1	1	1	..	1 8 6	..	1				2 Sept...	1							
Partnership	1	1	..	..	..	0 8 9	..	..				25 Nov...	1							
Interpleader .....	..	..	..	..	..	..	..	..				
Intestacy .....	..	..	..	..	..	..	..	..				
Legacy .....	..	..	..	..	..	..	..	..				
Possession of Tenements .....	..	..	..	..	..	..	..	..				
Replevin .....	..	..	..	..	..	..	..	..				
Consent Jurisdiction .....	..	..	..	..	..	..	..	..				
Causes of Action not specified above	..	..	..	..	..	..	..	..				
	23	7	16	15	1	13 9 0	..	16												

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.

[Price, 1s. 10d.]

A RETURN of the Number of Suits commenced in the District Court of FORBES, during the Twelve Months preceding the 1st day of March, 1863, 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.	Plaintiff	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	94	30	59	52	7	68	5	6	..	....	....	5	Forbes ..	1862. 23 Dec. ...	3	19	..	59	..	1	1	Application for Jury.					
Promissory Notes	32	13	16	12	4	27	8	0	..	....	....	3					..	16	..	..	..		..	..	..	..
Rent	1	..	1	1	..	1	0	6	..	....	....	..					..	1	..	..	..		..	..	..	..
Board and Lodging	1	1	..	..	..	1	0	0	..	....	....	..					..	..	..	..	..		..	..	..	..	..
Trespass on Land .....	..	..	..	..	..	..	..	..	..	....	....	..					..	..	..	..	..		..	..	..	..	..
Trespass on Person	5	1	3	2	1	5	9	0	..	....	....	1					..	3	..	..	..		..	..	..	..	..
Illegal Distraint	1	..	1	1	..	0	8	0	..	....	....	..					..	1	..	..	..		..	..	..	..	..
Trover	6	1	5	2	3	7	10	0	..	....	....	..					..	5	..	..	..		..	..	..	..	..
Breach of Contract	12	6	5	4	1	9	19	6	..	....	....	1					..	5	..	..	..		..	..	..	..	..
Wages, Work, and Labour ..	18	6	11	9	2	12	11	3	..	....	....	1					..	11	..	..	..		..	..	..	..	..
Libel, Slander, or Defamation	2	..	1	..	1	2	3	0	..	....	....	1					..	1	..	..	..		..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	..	..	....	....	..					..	..	..	..	..		..	..	..	..	..
Sales of Live Stock	3	1	..	..	..	1	3	6	..	....	....	2					..	..	..	..	..		..	..	..	..	..
Money Lent	14	8	6	5	1	12	14	9	..	....	....	..					..	6	..	..	..		..	..	..	..	..
Partnership	1	..	1	..	1	0	9	0	..	....	....	..					..	1	..	..	..		..	..	..	..	..
Interpleader .....	..	..	..	..	..	..	..	..	..	....	....	..	..	..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	..	..	..	..	....	....	..	..	..	..	..	..	..	..	..	..	..
Legacy .....	..	..	..	..	..	..	..	..	..	....	....	..	..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	....	....	..	..	..	..	..	..	..	..	..	..	..
Replevin .....	..	..	..	..	..	..	..	..	..	....	....	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	....	....	..	..	..	..	..	..	..	..	..	..	..
Causes of Action not specified above	24	6	17	10	7	20	1	3	..	....	....	1	..	17	..	..	..	..	..	..	..	..
	214	73	126	98	28	170	3	3	..	....	....	15	..	5	28½	..	126	..	1	1	..	..			

Sydney : Thomas Richards, Government Printer.—1863.

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.

W. F. PARKER,
Registrar, District Court.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DISTRICT COURT AND QUARTER SESSIONS AT DUBBO.

(PETITION RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 1 July, 1863.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of the undersigned Inhabitants of the Town of Dubbo, in the District of Bligh, and Colony of New South Wales,—

RESPECTFULLY SHEWETH :—

That your Petitioners have heard, with the deepest regret, that it is the intention of His Honor Mr. Justice Cary, to recommend to the Honorable the Executive Council the withdrawal of the Court of Quarter Sessions and District Court from the Town of Wellington, and the non-appointment of a Court of Quarter Sessions for the Town of Dubbo, with a withdrawal likewise of its District Court.

That your Petitioners would respectfully draw the attention of your Honorable House to a Petition bearing date the eighteenth day of May, in the year one thousand eight hundred and sixty, which Petition was signed by four hundred and eighty-one persons, inclusive of the names of all the Magistrates now residing in the District of Dubbo, and expressly referred to the benefits experienced by your Petitioners from the Courts of Quarter Sessions having been previously held in our Township, which said Courts were withdrawn from no other cause than the want of suitable accommodation for proceeding with the trial of prisoners, and from there being no safe place for the confinement of prisoners awaiting their trial.

That your Petitioners have much satisfaction in being able to state, that a large and commodious Court-house, with lock-up attached, have been erected, at a great expense, by Her Majesty's Government, from which circumstance your Petitioners contemplate many advantages to accrue, seeing that all the prisoners now brought from this large and populous district, extending as far as Fort Bourke, a distance of three hundred and twenty miles from our township, can be tried at the Court-house in Dubbo.

That your Petitioners would further respectfully draw the attention of your Honorable House to the fact that, in the District Court alone, there have been tried upwards of two hundred and fifty cases within the last two years : and that, should the District Courts be removed from our township, great inconvenience, hardship, and expense, would be experienced by many persons, both plaintiffs and defendants, who, with their witnesses, would be compelled to travel a great distance, when probably the matter in dispute might not be more than that of a few pounds.

That your Petitioners would also respectfully draw attention to the fact, that Dubbo is the principal township of one of the most extensive and most important pastoral districts in the Colony.

Your Petitioners therefore humbly pray that your Honorable House will be pleased to take the premises into your gracious consideration, and that Dubbo may still retain its District Court, and further be proclaimed a place where Quarter Sessions may be permanently held.

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

Dubbo, 14th day of March, A.D. 1863.

[Here follow 122 Signatures.]

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SUPREME COURT.
(EQUITY RULES.)

Ordered by the Legislative Assembly to be Printed, 17 July, 1863.

CHIEF JUSTICE to COLONIAL SECRETARY.

*Supreme Court,
9 July, 1863.*

SIR,

In accordance with the Act of Parliament, I have the honor to transmit to you copies of a Consolidated and Revised Code of Rules—about 400 in number—for the regulation of Proceedings of the Supreme Court in Equity.

The subject of this Consolidation, with the various Amendments which it involves, has been before us for some years; but it would have been impossible for the Judges, under the constant pressure of other duties, to prepare Rules necessarily so voluminous. The task was therefore undertaken by the Master, who at the expense of great labour, and with equal ability and skill, prepared the draft for us. We took advantage of the recent vacation to revise and correct it, and we trust that the result may be advantageous to Suitors in Equity and to the Public.

I am, &c.,
ALFRED STEPHEN.

THE SUPREME COURT OF NEW SOUTH WALES.
IN EQUITY.

CONSOLIDATED STANDING RULES made on 4 July, 1863, and which are to take effect after 30 September, 1863.

PRELIMINARY CHAPTER.

In the Supreme Court of }
New South Wales. }

Saturday, the 4th day of July, 1863.

In pursuance of the several powers vested in us in that behalf, we do order and direct in manner following.

1.—From and after the 30th day of September, 1863, all the Rules and Orders which have been heretofore made and established in the Equitable Jurisdiction of this Court, shall be rescinded; and in lieu thereof, the following shall constitute the Standing Rules of the Court in its Equitable Jurisdiction, except that—

A.—This rescinding shall not extend to or affect any Rules and Orders now in force, where embodied in General Rules and Orders, distributively or collectively applicable to the general administration and business of the several Jurisdictions of the Supreme Court; nor any of the following Rules and Orders.

* 120—A

B.—

B.—The General Rules of Court of 1st March, 1856, as to the Officers and Offices of the Court, or any General Rules as to Proceedings in Vacation.

C.—The respective General Rules of the 26th June, 1857, as to the Bank of the Court, and as to Trust Deposit Money under the Act 20 Victoria, No. 11.

D.—The Rule of 2nd Term, 1841, as to Guardians, Committees, and Receivers.

E.—All Rules and Orders establishing Fees, or regulating the amount of any Fee payable.

F.—The Rules of 13th February, 1850, as to Lunacy.

G.—Rules and Orders of a merely personal or temporary character.

H.—The Rules and Orders applicable to Suits by *Rule Nisi*, on the 2nd day of November, 1858, in respect of which no Order has been made for the adoption of the modes of proceeding established by the Acts 17 Victoria, No. 7, or 22 Victoria, No. 14, respectively.

From par. 5 of Preliminary Order of Hilary, 1860.

2.—Notwithstanding anything herein expressed, the rescinding hereinbefore made shall not affect any practice of the Court, in its Equitable Jurisdiction, or any practice or usage of, in, or connected with the Offices of the said Court, or the Officers thereof, which originated in, or was sanctioned by any of the Rules and Orders hereby rescinded, except so far as the same may be inconsistent with anything hereinafter contained.

From par. 6 of Preliminary Order of Hilary, 1860.

3.—Where any of the Rules and Orders hereby rescinded were intended to abolish any writ, practice, matter, or thing, such rescinding shall not have the effect of reviving the same.

From par. 7 of Preliminary Order of Hilary, 1860.

4.—Every Rule or part of a Rule herein contained which is a repetition, without variation, of a Rule or Order, or part of a Rule or Order, hereby rescinded, shall have the same construction as was put on such rescinded Rule or Order, or part of a Rule or Order, and shall operate not as a new Rule, but in the same manner as such rescinded Rule or Order, or part of a Rule or Order, would have operated if this consolidation had not been effected.

From par. 8 of Preliminary Order of Hilary, 1860.

5.—Every Rule or part of a Rule herein contained which is a repetition with variation, of a Rule or Order or part of a Rule or Order hereby rescinded, shall receive the same construction as was put on such rescinded Rule or Order, or part of a Rule or Order, and shall operate, not as a new Rule, but in the same manner, as such rescinded Rule or Order, or part of a Rule or Order would have operated if this consolidation had not been effected, except so far as such variation indicates a contrary intention; but where the variation is of such a character as to be reasonably attributable, not to a variation of intention, but simply to a design to harmonize the style or language of the several Rules hereinafter incorporated, such variation shall not be deemed to indicate a contrary intention.

6.—Where there is no established practice or usage of the Court, as mentioned in Rule 2, and where none of the Rules now made shall be applicable, then the Practice and Orders of the High Court of Chancery, in force on the 15th day of February, 1860, (being the day on which the Consolidated Chancery Orders, issued in Hilary Term, 1860, came into operation), shall be followed, as far as circumstances will admit, and where the same are applicable.

From par. 10 of Preliminary Order of Hilary, 1860.

7.—In these Rules the following words have the several meanings hereby assigned to them, over and above their several ordinary meanings, unless there be something in the subject or context repugnant to such construction, viz. :—

(1.)—Words importing the singular number include the plural number, and words importing the plural include the singular number.

(2.)—Words importing the masculine gender include females.

(3.)—The word 'person' or 'party' includes a body, politic or corporate; and the word 'person' means any person, whether a party to a suit or proceeding, or not.

(4.)—The word 'Bill' includes Information and Claim.

(5.)—The word 'plaintiff' includes informant.

(6.)—The word 'affidavit' or 'oath' includes affirmation; and the word 'sworn' includes affirmed.

(7.)—The word 'receiver' includes consignee and manager.

(8.)—The word 'decree' or 'order' includes a dismissal.

(9.)—The words 'Primary Judge' include the Judge at any time acting for him.

ALFRED STEPHEN, C.J.
SAML. FREDK. MILFORD.
EDWARD WISE.

CHAPTER I.

PROCEEDINGS IN EQUITY GENERALLY.

Old Standing Rule 1, p. 36.
Rule 17, p. 308,
Pract. 26th June,
1845.

1.—All proceedings in the Equitable Jurisdiction of the Court shall be commenced and continued in the Office of the Master in Equity, and each cause or matter be there kept in a distinct and separate form, entitled

“In the Supreme Court
of New South Wales.
In Equity.”

2.—The provisions of the 17 Vict., No. 7, with respect to the printing of Bills and Claims, and Indorsements thereon, and the serving of printed copies respectively, are hereby suspended until further Order; and instead thereof, every Bill of Complaint, Information, and Claim, and the Indorsement thereon, and every copy thereof respectively, shall be in writing; and the filing of a written Bill or Claim, and service of a written copy thereof, with a duly stamped Indorsement thereon, shall respectively have the same effect, and be subject to the same provisions respectively, as if such Bill or Claim and copy were printed.

¹ Rule of 10th Nov., 1853.

3.—All pleadings and proceedings shall be written in a clear, legible hand, and the same shall not be received unless so written.

1 s. r., p. 36.

4.—All Bills, Informations, and Claims, Interrogatories and Answers, and Exceptions, and copies thereof respectively, and all Petitions, Reports, Decrees, and Decretal and other Orders, shall be on foolscap paper, written briefwise, on one side only, with a quarter margin, and having not less than six folios, nor more than eight folios, of seventy-two words on each page, with the numbers of the paragraphs severally written on the inner edge of the margin.

⁵ Rule of 10th Nov., 1853

5.—All Affidavits, Examinations, Cross-examinations, and Re-examinations, shall be on foolscap paper, in the form now ordinarily used, with a quarter margin, but written on one side only of the paper, and folded lengthwise, with the name of each deponent or examinant indorsed thereon. And there shall not be less than three folios, nor more than four folios, of seventy-two words, on each page.

⁶ Rule of 10th Nov., 1853.

6.—All Bills, Informations, and Petitions, shall be addressed to the Chief Justice and the Puisne Judges of the Supreme Court for the time being. Provided that all Decrees made by the Primary Judge alone, or the Judge acting for him, shall be signed by the Primary Judge, or by the Judge so acting for him, and that all Decrees or Orders made by the full Court, on appeal or re-hearing, shall be signed by the Judges making the same.

¹⁷ Rule of 26th June, 1845. St. Pr. 208.

7.—No petition for hearing by the Primary Judge, and no petition of appeal, shall be answered by the Judges, or any of them, but the Master shall indorse thereon, and sign the usual answer.

¹⁴ Rule of 13th Feb., 1850. Suppl. 56.

8.—All writs issued by the Court in its Equitable Jurisdiction shall be sealed with the office seal of, and be signed by, the Master in Equity, and tested in the name of the Chief Justice of the Court for the time being.

From ¹² Rule of 17th July, 1843.

9.—All duties discharged in the High Court of Chancery (in respect of process issued out of the said Court, or otherwise) by a Sergeant-at-Arms, shall be discharged in this Colony by the Sheriff; and all process which in England would be directed to a Sergeant-at-Arms, shall be directed to and executed by such Sheriff.

^{Rule 1} of 26th Aug., 1841. St. Pr. 297.

10.—In every case where a party shall institute or defend any suit or proceeding, or appear in any matter, by a Solicitor, service by or upon such Solicitor shall (except for the purpose of bringing the party into contempt) be equivalent to service by or upon the party himself.

^{Rule 40} of 10th Nov., 1853.

11.—Where any party shall sue, or defend, or otherwise proceed, or appear, *in person*, he shall either leave a memorandum in writing with the Master, at the time of his taking the first step in the matter, specifying some known place in Sydney where service shall be deemed good service on him, or service on him may be effected by leaving the paper to be served with the Master's clerk.

Do. 41.

12.—No subpoena for costs shall be allowed, but the party seeking to recover costs shall proceed in the manner directed by the Act of 5 Vict., No. 9, sec. 43; and no attachment shall issue for the enforcing of any Decree or Order directing the payment of money to any person. Provided that an attachment may issue when the Decree or Order directs the payment of any money into Court.

^{Rule 4} May, 1847. Suppl. 46.

13.—In all cases where the High Court of Chancery would grant or direct a writ of *Ne execat Regno* to issue, a writ *Ne execat Coloniâ* may, on the order of the Primary Judge, be directed to issue, under the seal of this Court, and tested in the name of the Chief Justice thereof, and signed by the Master; and such writ shall have the same effect in this Colony, and shall be applied for and served in the like manner and under the same circumstances, and subject to the same rules of practice as the said writ of *Ne execat Regno* in England.

S. R. 5, St. Pr. 284

14.—All Answers, Disclaimers, and Pleas required to be on oath, shall be taken before the Master, and filed forthwith: Provided that Answers, Disclaimers, and sworn Pleas of any defendant residing more than five miles from Sydney may be taken before a Commissioner, and the same shall be immediately sealed up, and indorsed by him with his signature, and transmitted to the Master's office with the least possible delay, and filed by the Master on receipt thereof.

St. Rules 15, p. 40, and R. 14, Aug. 1841, St. Pr. 291.

15.—The Rules respecting any erasures or interlineations in affidavits shall extend and apply to all Answers, Disclaimers, and Pleas.

R. 14, Aug. '41, St. Pr. 291.

16.—On the filing by the Master of any Answer, Disclaimer, Plea, or Demurrer, an attested copy thereof shall be forthwith served on the opposite party. No such Pleading shall be deemed filed until such attested copy shall have been served.

S. R. 13, p. 39.

17.—No Demurrer shall be filed without a memorandum at the foot, stating shortly, in substance, the ground or grounds thereof, or the point or points intended to be relied on; of which memorandum a copy shall be served, together with a copy of such Demurrer.

^{Rule 13} of 2nd June, 1845.

18.—No solicitor shall act in any cause or matter for more than one party, unless the parties represented are in the same interest; and the members of a firm shall, for the purposes of this rule, be deemed one person.

^{Rule of 7} Nov., 1857.

19.—Where the party, to whom money exceeding £10 is ordered to be paid out of Court, does not choose to attend the Master's office in person, the power of attorney to receive the same must be in accordance with the provisions of the Act of Council, 17 Vict., No. 22: Provided that a common power of attorney, without any declaration, shall suffice where the money is paid on the day of the execution of such common power of attorney.

CHAPTER II.

PARTIES, PERSONS UNDER DISABILITY, AND PAUPERS.

I.—*Parties generally.*Orders of 26
August, 1841.

1.—In suits to execute the trusts of a will, it shall not be necessary to make the heir-at-law a party; but the plaintiff shall be at liberty to make the heir-at-law a party, where he desires to have the will established against him.

Same.

2.—Where the plaintiff has a joint and several demand against several persons, either as principals or sureties, it shall not be necessary to bring before the Court, as parties to a suit concerning such demand, all the persons liable thereto; but the plaintiff may proceed against one or more of the persons severally liable.

II.—*Infants, and persons of unsound mind.*Order of 8 May,
1845.

3.—Where, upon default made by a defendant in not appearing to or not answering a bill, it appears to the Court that such defendant is an infant or a person of weak or unsound mind, not so found by inquisition, so that he is unable of himself to defend the suit, the Court may, upon the application of the plaintiff, order that one of the solicitors of the Court be assigned guardian of such defendant, by whom he may appear to and answer, or may appear to or answer the bill and defend the suit.

But no such Order shall be made unless it appears to the Court, on the hearing of such application, that a copy of the bill was duly served in manner provided by the Act 17 Vict., No. 7, and that notice of such application was, after the expiration of the time allowed for appearing to or for answering the bill, and at least six clear days before the day in such notice named for hearing the application, served upon or left at the dwelling-house of the person with whom or under whose care such defendant was at the time of serving such copy of the bill, and also (in the case of such defendant being an infant not residing with or under the care of his father or guardian) served upon or left at the dwelling-house of the father or guardian of such infant, unless the Court, at the time of hearing such application, shall dispense with such last-mentioned service.

Rule 20 of 13
February, 1850.

4.—When a guardian *ad litem* is appointed, the presence of the infant or guardian in Court shall not be required.

Order of 25
October, 1699.

5.—Where a plea and answer, or a plea or answer severally, shall be brought to be sworn by the guardian of an infant, the same shall not be sworn until the Order appointing such guardian shall be produced to the person before whom the same shall be sworn.

Order of 1 June,
1854.

6.—Where any person required to be served with notice of a Decree or Order, pursuant to the 8th rule of sec. 32 of 17 Vict., No. 7, is an infant or a person of unsound mind, not found so by inquisition, the notice shall be served upon such person or persons, and in such manner as the Court may direct.

Same.

7.—Guardians *ad litem* appointed for infants or persons of unsound mind, not found so by inquisition, who shall be served with notice of any Decree or Order, shall be appointed in like manner as guardians *ad litem* to answer and defend are appointed in suits on bills filed.

Same.

8.—At any time during the proceedings in any cause or matter, the Court may require a guardian *ad litem* to be appointed for any infant or person of unsound mind not found so by inquisition, who has been served with notice of such Decree or Order, or who shall be required to be served with notice in any cause or matter; and the Master shall have like power under references to him.

III.—*Paupers.*Order of 4 July,
1688.

9.—No person shall be admitted to prosecute any suit in this Court *in forma pauperis*, without a certificate of counsel that he conceives the case to be proper for relief in this Court.

Order of 22 May,
1661.

10.—After an admittance to sue or defend *in forma pauperis* no fee, profit, or reward, shall be taken of the pauper by any counsel or solicitor, for the despatch of the pauper's business, during the time it shall depend in Court, and he shall continue *in forma pauperis*; nor shall any agreement be made for any recompense or reward afterwards. And any person offending herein shall be deemed guilty of a contempt of Court, and the party admitted who shall give any such fee or reward, or make any such agreement, shall be from thenceforth dispaupered, and not be afterwards admitted again in that suit to sue or defend *in forma pauperis*.

Same.

11.—The counsel or solicitor assigned by the Court to assist a person admitted *in forma pauperis* either to sue or defend, may not refuse so to do, unless such counsel or solicitor satisfy the Judge who granted the admittance with some good reason for his unwillingness to be so assigned.

Orders of 22
May, 1661.

12.—No process of contempt shall be issued at the instance of any person suing or defending *in forma pauperis* until it be signed by his solicitor in the suit. And no notice of motion served, or petition presented, on behalf of any person admitted to sue or defend *in forma pauperis* (except for the discharge of his solicitor) shall be of any effect, nor shall any person served with such notice or petition be bound to appear thereon unless such notice or petition be signed by the solicitor of such person so suing or defending. And such solicitor shall take care that no such process be taken out, and that no such notice or petition be served needlessly or for vexation, but upon just and good grounds.

CHAPTER III.

PLEADINGS AND OTHER PROCEEDINGS GENERALLY.

1.—No Bill, Exceptions, Demurrer, Plea, Answer or Disclaimer, shall be filed unless the same be signed by counsel. Orders of 22 May, 1861.

2.—No counsel shall sign any Bill, Answer, or other Pleading, unless it be drawn, or at least perused, by himself before it be signed. And counsel shall take care that deeds, writings, or records be not unnecessarily set out therein *in hæc verba*, but that so much of them only as is pertinent and material be set out or stated, or the effect and substance of so much of them only as is pertinent and material be given, as counsel may deem advisable, without needless prolixity; and that no scandalous matter be inserted therein. Same.

3.—No Bill, Answer, or other Pleading, shall be said to be of record, or be of any effect in Court, until the same be filed in the office of the Master in Equity. Same.

CHAPTER IV.

Bills.

1.—Every suit the subject matter of which is under the value of £10 shall be dismissed, unless it be instituted to establish a general right, or unless there shall be some other special circumstance which, in the opinion of the Court, shall make it reasonable that such suit should be retained. Order of 29 January, 1618-9.

2.—Bills may be in a form similar to the form set out in Schedule A to these Rules, with such variations as the nature and circumstances of each particular case may require. Rule 14 of 10 November, 1853.

3.—The indorsements on the Bills shall be varied from the form set out in the Schedule to the Act 17 Vict., No. 7, so that instead of the words in the note, "You will be liable to be arrested and imprisoned," there shall be substituted the words, "The plaintiff may enter an appearance for you, and you will be liable to be arrested and imprisoned, and to have a decree [or order] made against you in your absence." Order of 1860.

4.—Provided that when the Attorney General is a defendant, the copy to be served on him shall omit such note.

5.—Provided also, that where a corporation aggregate is to be served, the following note is to be substituted:—"The plaintiff may enter an appearance for you, and you will be liable to have your lands, tenements, goods, and chattels distrained, and other proceedings against you, and to have a decree [or order] made against you in your absence."

6.—Witnesses shall not be examined *in perpetuam rei memoriam*, unless a Bill shall have been filed for the purpose. Order of January, 1618-9.

7.—No suit to perpetuate the testimony of witnesses shall be set down for hearing. Order of 9 November, 1670.

II.—*Amendment of Bills.*

8.—An Order for leave to amend a Bill may be obtained at any time before answer, upon motion or petition of course, without notice. Order of 8 May, 1845.

9.—An Order for leave to amend a Bill only for the purpose of rectifying some clerical error in names, dates, or sums, may be obtained at any time, upon motion or petition of course, without notice. Same.

10.—Where there is a sole defendant, or where, there being several defendants, they all join in the same answer, the plaintiff may, after answer and before replication or undertaking to reply, obtain one Order of course for leave to amend the Bill, at any time within four weeks after the answer is to be deemed or is held to be sufficient. Same.

11.—Where there are several defendants who do not join in the same answer, the plaintiff (if not precluded from amending, or limited as to the time of amending by some former order) may, after answer and before replication or undertaking to reply, at any time within four weeks after the last of the answers required to be put in is to be deemed or is held to be sufficient, obtain one Order of course for leave to amend his Bill. Same.

12.—Provided always that the plaintiff shall not obtain an Order of course for leave to amend his Bill after any defendant (being entitled to move) has served a notice of motion to dismiss the Bill for want of prosecution. Order of 13 April, 1847.

13.—No more than one Order of course for leave to amend a Bill shall be granted after an answer has been filed, unless in the case provided by the 9th rule of this Chapter. Order of 8 May, 1845.

14.—A Special Order for leave to amend a Bill shall not be granted without affidavit to the effect—1st, that the draft of the proposed amendments has been settled, approved, and signed by counsel; and, 2ndly, that such amendment is not intended for the purpose of delay or vexation, but because the same is considered to be material for the case of the plaintiff. Same.

15.—After the plaintiff has filed, or undertaken to file, a replication, or after the expiration of four weeks from the time when the answer or the last of the answers required to be put in is to be deemed or is held to be sufficient, a special order for leave to amend a Bill shall not be granted without further affidavit, shewing that the matter of the proposed amendment is material, and could not, with reasonable diligence, have been sooner introduced into such Bill. Same.

16.—Such affidavits as are mentioned in the 14th and 15th Rules of this Chapter shall be made by the plaintiff and his solicitor, or by the solicitor alone in case the plaintiff, from being abroad or otherwise, is unable to join therein. Same.

17.—The plaintiff having obtained an Order for leave to amend his Bill shall, in all cases in which no other time is limited by such Order, have fourteen days after the date of the Order within which to amend such Bill. Same.

18.—

Order of 12 May,
1838.

18.—Whenever any Bill upon the file of this Court shall be amended, the record of such Bill, when amended, shall be marked with the date of the Order under which the same is so amended, and of the day on which such amendment is made, in manner and form following, viz.:—“*Amended day of by order dated day of*.” And such amended Bill shall be deemed to be filed at and from the date of making such amendment.

19.—Whenever the plaintiff has obtained leave to amend his Bill, and the amendments are so inconsiderable that no re-engrossment is required, he shall thereupon give notice to the defendant, if served with an attested copy of the original Bill, to hand over the same to him for amendment; and the attested copy of the Bill, when so amended (or if the amendment be of such a nature as to require a new engrossment, then an attested copy of such new engrossment,) shall, at the time such amendments are made or new engrossment filed, if requiring no new appearance or answer, be served on the defendant's solicitor (if demanded); or, if a new appearance or answer be required, then such amended attested copy, or attested copy of new engrossment, shall be (if demanded) duly served on the defendant, together with the indorsements thereon, for that purpose.

Order of 8 May,
1845.

20.—Service upon a defendant's solicitor of a copy of an amended Bill (whether a re-engrossment or not) shall be good service on such defendant.

21.—Where a defendant has appeared in person to any bill, service at the address for service of such defendant, or on the Master's clerk, of a copy of an amended bill, whether a re-engrossment or not, shall be good service on such defendant.

22.—Where the plaintiff obtains an Order for leave to amend his Bill or Claim, and does not amend the same within the time thereby limited for that purpose, or if no time is so limited, then within fourteen days from the date of the Order, such Order to amend shall become void, and the cause, either by Bill or Claim, shall stand as to dismissal in the same situation as if such Order had not been made.

CHAPTER V.

SERVICE OF COPY OF BILL AND APPEARANCE.

Order of 22 May,
1861.

1.—Service of every copy of a Bill shall be effected by serving such copy personally, or by leaving the same with a servant of the defendant, or some member of his family, at his dwelling-house or usual place of abode, unless the Court directs some other mode of service.

I.—In the case of Parties generally.

From same.

2.—The Court may direct substituted service of a copy of a Bill to be served under the Act 17 Vict., No. 7, in cases in which, according to the practice of the Court at the time of passing that Act, substituting service of a *subpœna* to appear to and answer a Bill might have been directed.

Rule 2 of 10
Nov., 1853.

3.—Where a defendant within the jurisdiction of the Court is duly served with a copy of a Bill or Claim, he must appear thereto within eight days after the service of such copy of the Bill or Claim. But, where the defendant (or any defendant, if there be more than one) resides above 100 miles from Sydney, the number of days shall be twelve, or where any defendant resides above 200 miles from Sydney, sixteen days. And, in the two last-mentioned cases respectively, where the proceedings shall be by Claim, the day mentioned in the indorsement for showing cause to the Court, shall (instead of the 14th day) be 21st or the 23th day after service, according to the distance aforesaid of the residence of the defendant. In default of appearance to a Bill an appearance may be entered for him, as provided by the next rule.

Order of 8 May,
1845.

4.—Where any defendant, not appearing to be an infant or a person of weak or unsound mind, unable of himself to defend the suit, is, when within the jurisdiction of the Court, duly served with a copy of the Bill, under the Act 17 Vict., No. 7, s. 3, and does not appear thereto within the time limited by the indorsement the plaintiff may, within three weeks from the time so limited for appearing thereto, apply to the Master to enter an appearance for such defendant, and, no appearance having been entered, the Master shall enter such appearance accordingly, upon being satisfied by affidavit that the copy of the Bill with the indorsement thereon was duly served. And after the expiration of such three weeks the plaintiff may apply to the Court for leave to enter such appearance for such defendant, and the Court being satisfied that the copy of the Bill, with the indorsement thereon, was duly served, and that no appearance has been entered for such defendant, may, if it so thinks fit, order the same accordingly.

Order of 8 May,
1845.

5.—Any appearance entered at the instance of the plaintiff for a defendant who, at the time of the entry thereof, is an infant or a person of weak or unsound mind, unable of himself to defend the suit, is irregular and of no validity.

Same.

6.—Affidavits filed for the purpose of proving the service of a copy of a Bill or Claim upon any defendant, shall state where, when, and how the same was served, and by whom such service was effected.

Same.

7.—A defendant, notwithstanding that an appearance may have been entered for him by the plaintiff, may afterwards enter an appearance for himself in the ordinary way; but such appearance by such defendant shall not affect any proceeding duly taken, or any right acquired by the plaintiff under or after the appearance entered by him, or prejudice the plaintiff's right to be allowed the costs of the first appearance.

8.—No attachment for want of appearance shall hereafter be issued without a special order of the Court; and no order shall be made to take the body of the defendant, for the purpose of compelling him to appear to the Bill. Order of 26 August, 1841.

II.—*In case of formal parties.*

9.—Where no account, payment, conveyance, or other direct relief is sought against a party to a suit, it shall not be necessary for the plaintiff to require such party, not being an infant, to appear to the Bill; but the plaintiff shall be at liberty to serve such party, not being an infant, with a copy of the Bill, whether the same be an original or amended or supplemental Bill, without any indorsement requiring such party to appear thereto; and such Bill as against such party shall pray that such party, upon being served with a copy of the Bill, may be bound by all the proceedings in the cause; but this rule shall not prevent the plaintiff from requiring a party against whom no account, payment, conveyance, or other direct relief is sought, to appear to the Bill, or from prosecuting the suit against such party in the ordinary way, if he shall think fit. Same.

10.—Where a plaintiff serves a defendant with a copy of the Bill under the 9th rule of this chapter, he shall cause a memorandum of such service, and of the time when such service was made, to be entered in the Master's office, first obtaining an order of the Court for leave to make such entry, which order shall be obtained upon motion without notice, upon the Court being satisfied of a copy of the Bill having been so served, and of the time when the service was made. Same.

11.—Where a defendant is served with a copy of the Bill under the 9th rule of this chapter, and a memorandum of such service is duly entered, and such defendant does not, within the time limited by the practice of the Court for that purpose, enter an appearance under the 13th rule of this chapter, the plaintiff shall be at liberty to proceed in the cause as if the party served with a copy of the Bill were not a party thereto, and the party so served shall be bound by all the proceedings in the cause, in the same manner as if he had appeared to and answered the Bill. Same.

12.—Where a party served with a copy of the Bill under the 9th rule of this chapter, desires the suit to be prosecuted against him in the ordinary way, he shall be entitled to have it so prosecuted; and in that case he shall enter an appearance in the common form, and the suit shall then be prosecuted against him in the ordinary way. But the costs occasioned thereby shall be paid by the party so appearing, unless the Court shall otherwise direct. Same.

13.—Where a party served with a copy of the Bill under the 9th rule of this chapter, desires to be served with a notice of the proceedings in the cause, but not otherwise to have the same prosecuted against himself, he shall be at liberty to enter a special appearance in the following form (that is to say):—"A. B. appears to the bill for the purpose of being served with notice of all proceedings therein;" and thereupon the party entering such appearance shall be entitled to be served with notice of all proceedings in the cause, and to appear thereon. But the costs occasioned thereby shall be paid by the party entering such appearance, unless the Court shall otherwise direct. Same.

14.—No party shall enter either a common or special appearance under the 12th or 13th rule of this chapter after the expiration of twelve days from the service of the copy of the Bill, without first obtaining an order of the Court for that purpose; such order to be obtained on notice to the plaintiff, and to be granted if the Court shall think fit upon such terms as are just. And any party so entering such common or special appearance, shall be bound by all the proceedings in the cause prior to such appearance being entered, unless the Court shall otherwise direct. Order of 8 May, 1845.

15.—The service of a copy of a Bill upon a defendant, under the 9th rule of this chapter, shall be of no validity if not made within twelve weeks from the filing of such Bill, unless the Court shall give leave for such service to be made after the expiration of such twelve weeks. Order of 8 May, 1845.

16.—Where the plaintiff omits to serve any defendant with a copy of the Bill, under the 9th rule of this chapter, within twelve weeks from the filing of such Bill, the Court may, if it shall think fit, upon the motion of the plaintiff, without notice, give the plaintiff leave to serve such defendant with such copy within such time and upon such terms as to the Court shall seem just. Same.

CHAPTER VI.

INTERROGATORIES.

1.—The interrogatories for the examination of the defendant to a Bill may be in a form similar to the form set out in Schedule B, with such variations as the nature and circumstances of each particular case may require.

2.—Where the plaintiff requires an answer to any Bill from any defendant or defendants thereto, the interrogatories for the examination of such defendant or defendants shall be filed within eight days after the time limited for the appearance of such defendant or defendants. From Rule 10 of 10 Nov., 1853.

3.—After the expiration of eight days from the time limited for the appearance of any defendant, no interrogatories shall be filed for his examination without special leave of the Court, to be applied for upon notice of motion. Order of 7 August, 1852.

4.—Where a defendant or defendants required to answer shall appear in person, or by his or their own solicitor or solicitors; within the time limited for that purpose by the Rule 11 of 10 Nov., 1853.

the Rules of the Court, the plaintiff shall, within eight days after the time allowed for such appearance, deliver to such defendant or defendants, or to his or their solicitor or solicitors, a copy of the interrogatories so filed as aforesaid, or of such of them as the particular defendant or defendants shall be required to answer; and the copy so to be delivered shall be examined with the original (and the number of folios counted) by one of the Master's clerks, who, on finding that such copy is properly written, shall mark the same as an office copy.

Order of 7
August, 1852.

5.—Where a defendant to a suit commenced by Bill does not appear in person, or by his own solicitor, within the time allowed for that purpose, and the plaintiff files interrogatories for his examination, the plaintiff may deliver a copy of such interrogatories, so examined and marked as aforesaid, to such defendant, at any time after the time allowed to such defendant to appear, and before his appearance in person or by his own solicitor, or the plaintiff may deliver a copy of such interrogatories so examined and marked as aforesaid, to the defendant or his solicitor, after the appearance of such defendant in person or by his own solicitor, but within eight days after such appearance.

CHAPTER VII.

PROCESS FOR WANT OF ANSWER.

Order of 8 May,
1845.

1.—Where there is just reason to believe that any defendant means to abscond before answering the Bill, the Court may, on the *ex parte* application of the plaintiff, at any time after an appearance has been entered for him by the plaintiff, order an attachment for want of answer to issue against him, and such attachment shall be made returnable at such time as the Court shall direct.

2.—Every defendant in custody of the Sheriff under an attachment for want of answer, shall be brought to the bar of the Court at the next sitting after the arrest, or as soon afterwards as shall be practicable;—and if the defendant be not so brought, or if, being so brought, no motion shall be made for his committal, he shall be discharged out of custody by the Sheriff, without payment by him of the costs of his contempt, which in such case shall be paid by the plaintiff. But, where such defendant does not put in his answer within eight days after such discharge, the plaintiff may cause a new attachment to be issued against him for want of his answer.

Order of 8 May,
1845.

3.—Where a defendant is in prison under an attachment for not answering, or being already in prison is detained under such an attachment, and is not brought to the bar of the Court within thirty days from the time of his being actually in custody or detained under such attachment, he shall be discharged from the process for want of answer under which he was arrested or detained, by the Sheriff, Gaoler, or keeper of the gaol in whose custody he is, without payment of the costs of his contempt, which in such case shall be paid by the plaintiff; but if such defendant does not put in his answer within eight days after such discharge, the plaintiff may cause a new attachment to be issued against him for want of his answer.

Same.

4.—Where a defendant is brought up in custody for want of his answer, and makes oath in Court that he is unable, by reason of poverty, to employ a solicitor to put in his answer, the Court, if not satisfied with the truth of that allegation, may direct an inquiry as to the truth thereof, and may appoint a solicitor to conduct such inquiry on the behalf of such defendant; and if it is ascertained by means of such inquiry, or if the Court is satisfied without such inquiry, that such defendant is unable by reason of poverty to employ a solicitor to put in his answer, the Court may assign a solicitor and counsel for such defendant, to enable him to put in his answer.

Order of 26
August, 1841.

5.—Upon the Sheriff's return *non est inventus*, to an attachment (issued against any defendant for not answering the Bill) and upon affidavit made by the person issuing the process that due diligence has been used to ascertain where such defendant was at the time of issuing such writ and in endeavouring to apprehend the person, and stating the facts of such endeavour, and that the person suing forth such writ verily believed at the time of suing forth the same that such defendant was in the Colony, the plaintiff shall be entitled to a writ of sequestration.

Order of 23 Nov.
1831.

6.—Where a defendant, in contempt for want of answer obtains, upon filing his answer, the common order to be discharged as to his contempt, on payment or tender of the costs thereof, or the plaintiff accepts the costs without order, the plaintiff shall not be compelled, in case the answer is insufficient, to recommence the process of contempt against the defendant, but shall be at liberty to take up the process at the point to which he had before proceeded.

CHAPTER VIII.

TRAVERSING NOTE.

Orders of 8 May,
1845.

1.—After the expiration of the time allowed to the defendant to plead, answer, or demur (not demurring alone) to any original or supplemental Bill, or Bill amended before answer, which he has been required to answer, if such defendant has not filed any plea, answer, or demurrer, the plaintiff may file a note in the Master's office to the following effect:—"The plaintiff intends to proceed with his cause as if the defendant had filed an answer, traversing the case made by the Bill."

2.—

2.—After the expiration of the time allowed to a defendant to plead, answer, or demur (not demurring alone) to a Bill amended after answer, which he has been required to answer, if such defendant has not filed any plea, answer, or demurrer, the plaintiff may file a note in the Master's office to the following effect :—"The plaintiff intends to proceed with his cause as if the defendant had filed an answer traversing the allegations introduced into the Bill by amendment."

3.—After the expiration of the time allowed to a defendant to put in his further answer to any Bill, if such defendant shall not have put in any further answer the plaintiff may file a note at the Master's office, to the following effect :—"The plaintiff intends to proceed with his cause as if the defendant had filed a further answer traversing the allegations in the Bill whereon the exceptions are founded."

4.—Where a demurrer or plea to the whole Bill is overruled, the plaintiff, if he does not require an answer, may immediately file his note in manner directed by the 1st and 2nd paragraphs of this rule, as the case may require, and with the same effect, unless the Court upon overruling such demurrer or plea gives time to the defendant to plead, answer or demur; and in such case if the defendant does not file any plea, answer, or demurrer within the time so allowed, the plaintiff, if he does not then require an answer may, on the expiration of such time, file such note.

5.—A traversing note having been filed, a copy thereof shall be served on the defendant against whom the same was filed.

6.—The filing of a traversing note, and the due service of a copy thereof, shall have the same effect as if the defendant against whom such note is filed had filed a full answer or further answer, traversing the whole or those parts of the Bill to which the note relates, on the day on which the note was filed.

7.—A defendant, after the service of the copy of a traversing note filed against him as aforesaid, shall not plead, answer, or demur to the Bill, or put in any further answer thereto without the special leave of the Court, and the cause shall stand in the same situation as if such defendant had filed a full answer or further answer to the Bill on the day on which the note was filed.

CHAPTER IX.

DEMURRERS AND PLEAS.

1.—Where any grounds of demurrer are urged, on arguing a demurrer, beyond the grounds therein expressed, and those grounds which are so expressed are disallowed, the defendant shall pay the same costs as if the demurrer was overruled, although the grounds of demurrer so newly urged may be allowed. Order of 2 May, 1661.

2.—A plea may be put in without oath, where the matter of the plea appears upon record; but where the matter of the plea does not appear upon record the plea must be upon oath. Order of 29 January, 1618-9.

3.—All pleas put in upon oath shall be signed by the parties swearing the same, and such signature shall be affixed or acknowledged by them in the presence of the persons before whom such oath shall be taken. Order of 27 April, 1748.

4.—The dependency of a former suit for the same matter is a good plea; but where the plaintiff disputes the truth thereof, he may, on motion or petition of course, obtain an Order for an inquiry as to the truth thereof. And such Order and the Master's Report in pursuance thereof shall be obtained within one month after the filing and service of any such plea; otherwise the defendant may obtain, as of course, an Order to dismiss the Bill with costs. Order of 22 May, 1661.

5.—Upon the filing of a demurrer or plea, either party is to be at liberty to set the same down for argument immediately. From Order of 8 May, 1645.

6.—Where any plea or demurrer is overruled the defendant shall pay to the plaintiff the taxed costs occasioned thereby, unless the Court shall otherwise direct. Order of 28 April, 1628.

7.—Where a demurrer to the whole or part of a Bill is allowed upon argument, the plaintiff, unless the Court shall otherwise direct, shall pay to the demurring party the costs of the demurrer, and where the demurrer is to the whole Bill, the costs of the suit also. Order of 8 May, 1645.

8.—Where a demurrer to the whole Bill is not set down for argument within twelve days after the filing thereof, and the plaintiff does not, within such twelve days, serve an order for leave to amend the Bill, the demurrer shall be held sufficient to the same extent, and for the same purposes, and the plaintiff shall pay to the demurring party the same costs, as in the case of a demurrer to the whole Bill allowed upon argument. Same.

9.—Where a demurrer to part of a Bill is not set down for argument within three weeks after the filing thereof, and the plaintiff does not, within such three weeks, serve an order for leave to amend the Bill, the demurrer shall be held sufficient to the same extent, and for the same purposes, and the plaintiff shall pay to the demurring party the same costs as in the case of a demurrer to part of a Bill allowed upon argument. Order of 8 May, 1645.

10.—Where a plea to the whole or part of a Bill is allowed upon argument, the plaintiff, unless he undertakes to reply to the plea, or unless the Court otherwise directs, shall pay to the party by whom the plea is filed the costs of the plea, and where the plea is to the whole Bill the costs of the suit also; and in such last-mentioned case the order allowing the plea shall direct the dismissal of the bill. Same.

11.—Where a plea to the whole or part of a Bill is not set down for argument within three weeks after the filing thereof, and the plaintiff does not, within such three weeks, either serve an Order for leave to amend the Bill, or by notice in writing undertake to reply to the plea, the plea shall be held good to the same extent, and for the same purposes, and

and the same costs shall be paid by the plaintiff, as in the case of a plea to the whole or part of a Bill allowed upon argument. And where the plea is to the whole Bill, the defendant by whom such plea was filed may, at any time after the expiration of such three weeks, obtain, as of course, an Order to dismiss the Bill.

Same. 12.—Where the plaintiff undertakes to reply to a plea to the whole Bill, he shall not, without the special leave of the Court, take any proceeding against the defendant by whom the plea was filed till after replication.

CHAPTER X.

ANSWERS.

From Rule 13 of 10 November, 1852. 1.—Every defendant required to answer a Bill, must put in his plea, answer, or demurrer thereto, not demurring alone, within fourteen days after delivery of a copy of the interrogatories which he is required to answer.

1A.—Answers may be in a form similar to the form set out in Schedule C, with such variations as the nature and circumstances of each particular case may require.

Order of 22 May, 1861. 2.—When a defendant denies a fact he must traverse or deny directly, and not by way of negative pregnant: As for example, where he is interrogated whether he has received a sum of money, he must deny or traverse that he has received that sum, or any part thereof, or else set forth what part he has received; and so where a fact is alleged with divers circumstances, the defendant must not deny or traverse it literally, as it is alleged in the Bill, but must answer the point of substance positively and certainly.

Order of 26 August, 1841. 3.—A defendant shall not be bound to answer any statement or charge in the Bill, unless specially and particularly interrogated thereto; and a defendant shall not be bound to answer any of the interrogatories for the examination of the defendants, except interrogatories which such defendant is required to answer; and where a defendant answers any statement or charge in the Bill to which he is not interrogated, only by stating his ignorance of the matter so stated or charged, such answer shall be deemed impertinent.

Same. 4.—A defendant shall be at liberty, by answer, to decline answering any interrogatory, or part of an interrogatory, from answering which he might have protected himself by demurrer; and he shall be at liberty so to decline, notwithstanding he shall answer the other part of such interrogatory, or other interrogatories from which he might have protected himself by demurrer, or other parts of the Bill as to which he was not interrogated.

Order of 27 April, 1748. 5.—All answers shall be signed by the parties swearing the same, and such signature shall be affixed or acknowledged in the presence of the persons before whom the same are sworn.

Order of 26 Oct., 1842, and of 31 Dec., 1840, and of 26 May, 1685. 6.—Unless the Court shall otherwise direct, the answers of all persons (except persons entitled to the privilege of peerage or corporations aggregate) shall be put in upon the oath of the parties putting in the same, where they are not exempted from taking an oath by any statute in that behalf. Persons entitled to the privilege of peerage may answer upon protestation of honour; and corporations aggregate shall put in their answer under their common seal.

CHAPTER XI.

INSUFFICIENCY AND SCANDAL.

Order of 22 May, 1661. 1.—When a plaintiff excepts to an answer for insufficiency, he shall take his exceptions in writing, signed by counsel.

Order of 2 Nov., 1850. 2.—Exceptions for scandal to any pleading or other matter depending before the Court shall be in writing and signed by counsel, describing the particular passages which are alleged to be scandalous.

Order of 26 Oct., 1842. 3.—Where any exceptions for scandal or insufficiency are taken, the party taking the same, shall file such exceptions in the Master's office, and serve a copy thereof on the opposite party.

From Order of 3 April, 1828. 4.—The Master, in deciding on the sufficiency or insufficiency of any answer or examination, shall take into consideration the relevancy or materiality of the statement or question referred to; and under the Order of course, to refer exceptions for insufficiency, the Master is to look at the interrogatories, as well as the Bill, answer, and such exceptions.

Order of 2 Nov., 1850. 5.—After the filing of an answer the plaintiff shall have six weeks within which he may file exceptions thereto for insufficiency. Where he does not file exceptions within six weeks, such answer, on the expiration of the six weeks, shall be deemed sufficient; and no Order shall be made to file exceptions to an answer *nunc pro tunc*.

Order of 29 Jan., 1618-9. 6.—No exceptions for insufficiency shall be taken to an answer after replication.

Orders of 3 April, 1623. 7.—When a defendant desires to prevent exceptions to his answer for insufficiency being referred, he shall have for that purpose only eight days after the filing of such exceptions within which he may submit to the same.

Order of 2 Nov., 1850. 8.—Where a defendant, not being in contempt, submits to exceptions to his answer for insufficiency before the plaintiff has obtained an Order to refer the same, he shall have fourteen days from the date of the submission within which he is to put in his further answer to the Bill.

9.—When exceptions taken to an answer for insufficiency are not submitted to, the plaintiff may, after the expiration of eight days after the exceptions are filed, but not before, unless in injunction cases, refer such answer for insufficiency; and if he do not refer the same within the next six days, he shall be considered as having abandoned the exceptions, in which latter case such answer shall thenceforth be deemed sufficient. Order of 3 April, 1828.

10.—After exceptions to an answer for insufficiency have been filed and submitted to, and a further answer has been put in, the plaintiff shall have fourteen days from the filing of such further answer to refer the same on the old exceptions; and if the plaintiff do not, within fourteen days after such further answer has been put in, refer the same on the old exceptions, the answer shall, on the expiration of such fourteen days, be deemed sufficient. Same.

11.—If the plaintiff does refer a defendant's second or third answer for insufficiency, on the old exceptions, then the particular exception or exceptions to which he requires a further answer shall be stated in the Order. Same.

12.—If upon a reference of exceptions the Master shall find the answer insufficient, he shall fix the time for putting in a further answer, and shall specify the same in his Report. Same.

13.—After the allowance of or submission to exceptions to an answer for insufficiency a defendant shall answer within the time allowed or appointed as aforesaid; and where he does not answer within the time so allowed or appointed, or obtain further time, and answer within such further time, the plaintiff may sue out process of contempt against such defendant. Order of 8 May, 1845.

14.—If upon a reference of exceptions the answer be certified sufficient, it shall be deemed to be so from the date of the Master's Report; and if the defendant submit to answer without a Report from the Master, the answer shall be deemed insufficient from the date of the submission. Order of 3 April, 1828.

15.—Upon a second answer being reported insufficient, the defendant shall be examined *vivá voce* before the Master as to the points reported insufficient, and shall stand committed until it be certified that such defendant has perfectly answered; and the defendant shall pay, in addition to the costs heretofore paid, such further costs as the Court shall think fit to award. From same.

16.—When any exceptions to an answer for insufficiency are referred, the Master shall be at liberty, in making a Report upon such exceptions, if he shall think fit, to certify by whom and in what proportions (if any) the costs of such exceptions and of the reference thereon ought to be borne; and, upon the taxation of the general costs in the cause regard shall be had to such certificate, and the costs allowed to either party shall be taxed and apportioned accordingly. Order of 21 Dec. 1833.

17.—No Order shall be made for referring any pleading or matter depending before the Court for scandal, unless such Order be obtained within six days after the filing of exceptions thereon. Order of 3 April, 1828.

18.—Under any Order to refer an answer or other pleading or matter depending before the Court for scandal, the Master shall be at liberty to expunge any such scandalous matter as he shall certify to be contained therein; and the Master shall be at liberty, without further Order, to tax the costs of such reference and consequent thereon, and to direct by whom and when the same shall be paid, and the same shall be recoverable by *feri facias*; but such scandalous matter shall not be expunged, nor costs taxed, until the expiration of four days from the filing of the Report of such scandal, in order that the adverse party may have an opportunity to file exceptions to such Report. Order of 21 Dec., 1833.

19.—When any Order is made for referring an answer for insufficiency, or for referring an answer or other pleading or matter depending before the Court for scandal, the Order shall be considered as abandoned unless the party obtaining the Order shall procure the Master's Report within a fortnight from the date of such order, or unless the Master shall, within the fortnight, certify that a further time, to be stated in his certificate, is necessary in order to enable him to make a satisfactory Report; in which case the Order shall be considered as abandoned if the Report be not obtained within the further time so stated; and where such Order relates to alleged insufficiency in an answer, such answer shall be deemed sufficient from the time when the Order is to be considered as abandoned. Order of 3 April, 1828.

CHAPTER XII.

REPLICATION AND JOINING ISSUE.

1.—Where a defendant is not required to answer, and does not answer, the Bill, so that under the Act, 17 Vict., No. 7, he is to be considered as having traversed the case made by the Bill, and also where the plaintiff shall have filed a traversing note, issue shall nevertheless be joined by filing a replication in the form or to the effect of the form set forth at the end of this chapter. Order of 7 Aug., 1852.

2.—No *subpœna* to rejoin shall hereafter be issued, and only one replication shall be filed in each cause, unless the Court shall otherwise direct; and the replication shall be in the form set forth at the end of this rule, or as near thereto as circumstances admit and require; and upon the filing of such replication the cause shall be deemed to be completely at issue, and each party may proceed to verify his case by evidence. Order of 8 May, 1845.

“ Form

“ *Form of Replication.*

“ Between A. B., plaintiff,
 “ and
 “ C. D., E. F., G. H.,” &c. defendants.”

“ THE plaintiff in this cause hereby joins issue with the defendant C. D.,” [all the defendants who have answered or pleaded, or against whom a traversing note has been filed, or who have not been required to answer and have not answered the Bill,] “and will hear the cause on Bill and answer against the defendant E. F.,” [all the defendants against whom the cause is to be heard on bill and answer,] “and on the order to take the Bill as confessed against the defendant G. H.” [as the case may be.]

CHAPTER XIII.

AFFIDAVITS.

1.—Any solicitor or person filing an affidavit not in accordance with the form prescribed by the General Rules of the Supreme Court applicable to affidavits, shall not be allowed the costs of preparing or filing such affidavit in any taxation of costs.

2.—All affidavits, whether to be used at the hearing of a cause or on any other proceeding shall state distinctly what facts or circumstances deposed to are within the deponent's own knowledge; and where any fact or circumstance is stated upon information derived from other sources than his own knowledge, he shall distinctly state what such sources are.

3.—The costs of affidavits not in conformity with the preceding rules shall be disallowed on taxation, unless the Court shall otherwise direct.

4.—Before any affidavit is used in Court or before the Master, such affidavit shall be first filed in the office of the Master; and no Order grounded upon an affidavit shall be drawn up unless first so filed: Provided that no copy need hereafter be served for the purpose of any motion or petition, or of any proceeding in the Master's office, and that every affidavit so filed may be read without any office copy having been taken.

From Order of
15 Nov., 1860.

Proviso from
Rule 9 of 13 Feb.,
1850.

CHAPTER XIV.

EVIDENCE GENERALLY.

1.—When the defendant has answered, the plaintiff shall carefully consider the answer, and if he finds that upon the answer alone, without further proof, there is sufficient ground for a final order or decree, he shall proceed upon the answer without entering into evidence; or if it is needful to prove a particular point, he shall not enter into evidence as to other points that are not necessary to be proved. In the first case, if he enters into evidence at all, and in the second case, if he enters into evidence as to such other points, he will render himself liable to pay the costs thereof.

2.—Where a cause is heard upon Bill and answer, the answer must be admitted to be true on all points, and no other evidence shall be admitted unless it be matter of record to which the answer refers, and which is provable by the record.

3.—The time within which the plaintiff in a suit commenced by Bill must give the defendant notice of the mode in which he desires the evidence to be taken is to be seven days after issue joined; and if the plaintiff, within that time, shall not give any such notice, or shall give notice that he desires the evidence to be adduced upon affidavit, both parties may verify their respective cases by affidavit, unless some one or more of the defendants shall, within fourteen days after issue joined, give notice to the plaintiff of his or their desire that the evidence shall be oral.

4.—Where the plaintiff intends to examine witnesses prior to the hearing, he shall, within seven days after issue joined, obtain from the Master a warrant appointing some day certain (at the discretion of the said Master, but which shall not be earlier than ten days after the service of such warrant,) on which the examination, together with that of the defendant's witnesses, if any, shall take place.

5.—Where the plaintiff does not so proceed, and any defendant shall be desirous of examining witnesses (before the Master), prior to the hearing he shall, within fourteen days after issue joined, obtain from the Master a like warrant, appointing some day certain for that purpose; and the defendant obtaining the same shall cause notice to be served on all parties to the suit entitled thereto, four clear days at the least before the day of examination.

6.—In all cases where the plaintiff or defendant shall examine witnesses prior to the hearing, such witnesses shall be summoned, according to the mode of summoning witnesses at Common Law, to appear and give evidence before the Master; and every such witness shall then be sworn and examined (and if the opposite party think fit cross-examined) *vis à voce* before the said Master, in the presence of all persons who may think fit to attend, in like manner as at a trial at *Nisi Prius*; all such evidence to be proceeded with and taken continuously (as far as may be) during the usual hours of business *de die in diem* until concluded. Provided that the Master or his clerk shall take down the evidence of every such witness in writing, and cause the same to be signed by him before his departure, and the Master may sign the same himself if the witness refuse or neglect so to do.

Order of
22 May, 1861.

Order of
9 Jan., 1818-9

Rule 21 of 10
Nov., 1853.

From Rule 4 of
2nd June, 1845.

Do. 5.

Do. 2.

7.—In case an objection be taken before the Master to the admissibility of any evidence, or of any question to a witness, he shall have power to decide thereon; subject, nevertheless, to such order by the Primary Judge, on motion for that purpose, either at or before the hearing, as he shall think just. Provided that in every case where the Master shall entertain any doubt as to such evidence or question, he shall receive the same, taking down in writing the question proposed and the answer to it (or the evidence only as the case may be), and noting in the margin the objection taken thereto, and the ground thereof.

8.—Wherever the plaintiff shall intend to rely in support of his case, on the defendant's answer, or any passages or passage therein, whether he shall examine witnesses before the Master or not, he shall tender such answer (or such passages or passage) in evidence before that officer before, during, or immediately after any oral examination, or upon a warrant expressly for the purpose of tendering such answer, or any part thereof, in evidence; and the Master shall have the like power to determine questions respecting the admissibility of any such passages or passage, and also of any exhibit tendered in evidence before him, as he has with regard to the oral evidence of any witness.

9.—All parties giving exhibits in evidence before the Master shall furnish him with a copy of such of them, or such parts of them, as he may require, either on the application of a party to the suit or matter, or without any such application.

10.—Where any party shall desire to proceed by Commission for the examination of witnesses, he shall, unless the Court otherwise direct, cause notice of the time and place of such examination to be served on the parties entitled to notice, ten days at least before the day of examination; and every such Commission shall be returnable on some day to be fixed in each case by the Master, and shall, with the examination of witnesses under the same, be returned to the Master's office in like manner as answers taken in the country are now returnable. Provided that no Commission for the examination of witnesses shall be issued without special order for that purpose.

11.—The evidence on both sides, in any cause, to be used at the hearing (including the cross-examination and re-examination of the several witnesses, where orally examined) shall be closed within eight weeks after issue joined therein, except that any witness who has made an affidavit to be used at the hearing shall be subject to cross-examination within four weeks after the expiration of those eight weeks.

12.—No affidavit filed before issue joined in a cause shall be received at the hearing, unless within twenty days after issue joined notice in writing be given to the adverse party by the party intending to use the same, of his intention in that behalf.

13.—Any party desiring to cross-examine a witness who has made an affidavit intended to be used at the hearing, shall give forty-eight hours' notice at the least to the party on whose behalf the affidavit was filed, or intending to use the same, of the time and place of the intended cross-examination, in order that the party receiving such notice may, if he shall think fit, be present at such examination.

14.—The re-examination of every such witness shall immediately follow his cross-examination, and not be delayed to a future period.

15.—Any party desiring to examine a witness before the Master or any Commissioner, with a view to his evidence being used upon any claim, motion, or petition, shall give to the opposite party forty-eight hours' notice, at the least, of his intention to examine such witness, and of the time and place of such examination, unless the Primary Judge shall in any case think fit to dispense with such notice.

16.—And where it is desired to cross-examine any person (whether a party to the cause or matter or not) who has made an affidavit to be used, or which has been used on any claim, motion, or petition, the party desiring so to cross-examine shall give the like notice to the opposite party as is required with reference to the cross-examination of a witness who has made an affidavit to be used in a cause on the hearing.

17.—The several preceding Rules with reference to the examination, cross-examination, and re-examination of witnesses, shall (as far as may be practicable) extend equally to evidence taken in any cause or matter before the Court, or before the Master subsequently to the hearing.

18.—Where either party—either plaintiff or defendant—obtains an order to use depositions of witnesses taken in another cause, the opposite party may likewise use the same without motion, unless upon special reason shewn to the Court by the party obtaining such order the opposite party be prohibited by the same order from so doing.

19.—When a defendant files a cross-bill for discovery only, against the plaintiff, or exhibits interrogatories for his examination, the answer to such cross-bill or interrogatories may be read and used by the party pleading such cross-bill or exhibiting such interrogatories, in the same manner, and under the same restrictions, as the answer to a Bill praying relief may be read and used.

CHAPTER XV.

PRELIMINARY ACCOUNTS AND INQUIRIES.

In all cases in which it shall appear that certain preliminary accounts and inquiries must be taken and made before the rights and interests of the parties to the cause can be ascertained, or the questions therein arising can be determined, the plaintiff shall be at liberty, at any time after the defendants shall have appeared to the Bill, to move the Court on notice, that such inquiries and accounts shall be made and taken, and that an order referring

referring it to the Master to make such inquiries and take such accounts shall thereupon be made, without prejudice to any question in the cause, if it shall appear to the Court that the same will be beneficial to such (if any) parties to the cause as may not be competent to consent thereto, and that the same is consented to by such (if any) of the defendants as, being competent to consent, have not put in their answer to the Bill, and that the same is consented to by, or is proper to be made upon, the statements contained in the answers of such (if any) of the defendants as have answered the Bill.

CHAPTER XVI.

SETTING DOWN AND HEARING.

- Order of 8 May, 1845. 1.—Within four weeks after the evidence has been closed the plaintiff shall set down his cause and obtain a subpoena to hear judgment. If he does not, any defendant, after the expiration of such four weeks, may either move to dismiss the Bill for want of prosecution, or may set the cause down at his own request, and may obtain a subpoena to hear judgment and serve the same on the plaintiff.
- Order of 23 November, 1831. 2.—Causes may be set down for hearing and the subpoenas to hear judgment served and returnable on any day, as well out of Term as in Term.
- 3.—A subpoena to hear judgment shall not be returnable at any time less than twenty days from the teste of the writ, and it shall be served at least fourteen days before the return thereof, and may contain the names of all the defendants.
- 4.—All causes for further directions or consideration, or on Equity reserved after a trial at law shall have been had in pursuance of a Decree or Order, and all pleas, demurrers, and exceptions to the Master's Reports, shall be set down for hearing on orders obtained upon the usual petition of course, as heretofore.
- Order of 3 April, 1823. 5.—Where any cause becomes abated, or is compromised after the same is set down to be heard, the solicitor for either party shall certify the fact, as the case may be, to the Master, who shall cause an entry thereof to be made in the Cause Book opposite to the name of such cause.
- Order of 22 August, 1859. 6.—Where any cause shall have been standing for one year in the Cause Book, marked as "abated," or standing over generally, such cause shall, at the expiration of the year, be struck out of the Cause Book.
- Order of 18 January, 1815. 7.—The solicitors for the several parties in all causes and matters shall attend in Court when such causes and matters are appointed to be heard, and during the hearing thereof.
- Order of 3 April, 1828. 8.—Where, upon the hearing of any cause or matter, it appears that the same cannot conveniently proceed by reason of the solicitor for any party having neglected to attend personally, or by some proper person on his behalf, or having omitted to procure the production of, or to deliver any necessary document or paper, and which ought to have been produced or delivered, such solicitor shall personally pay to all or any of the parties such costs as the Court shall think fit to award.

CHAPTER XVII.

TAKING BILLS PRO CONFESSO.

- As in Order of May, 1845. 1.—Upon the execution of an attachment for want of answer against any defendant, or at any time within three weeks afterwards, the plaintiff may cause such defendant to be served with a notice of motion, to be made on some day not less than three weeks after the day of such service, that the Bill may be taken *pro confesso* against such defendant; and thereupon, unless such defendant has in the meantime put in his answer to the Bill, or obtained further time to answer the same, the Court, if it so think fit, may order the Bill to be taken *pro confesso* against such defendant, either immediately or at such time and upon such terms and subject to such conditions as under the circumstances of the case the Court shall think proper.
- Same. 2.—Where any defendant, whether within or not within the jurisdiction of the Court, does not put in his answer in due time after appearance entered by or for him, and the plaintiff is unable, with due diligence, to procure a writ of attachment or any subsequent process, for want of answer, to be executed against such defendant, by reason of his being out of the jurisdiction of the Court, or being concealed, or for any other cause, then such defendant shall, for the purpose of enabling the plaintiff to obtain an order to take the Bill *pro confesso*, be deemed to have absconded to avoid or to have refused to obey the process of the Court.
- Same. 3.—Where any defendant who, under the last preceding Rule, may be deemed to have absconded to avoid or to have refused to obey the process of the Court, appears, the plaintiff may serve upon such defendant a notice that on a day in such notice named (being not less than fourteen days after the service of such notice) the Court will be moved that the Bill may be taken *pro confesso* against such defendant; and the plaintiff must, upon the hearing of such motion, satisfy the Court that such defendant ought, under the provisions of the said Rule, to be deemed to have absconded to avoid or to have refused to obey the process of the Court; and the Court, if so satisfied, and if an answer has not been filed, may, if it so think fit, order the Bill to be taken *pro confesso* against such defendant, either immediately, or at such time, or upon such further notice as, under the circumstances of the case, the Court may think proper.
- 4.—

4.—Where any defendant who, under the said Rule, may be deemed to have absconded to avoid or to have refused to obey the process of the Court, has had an appearance entered for him under the 4th, 6th, or 7th Rules of Chapter V, and does not afterwards appear, the plaintiff may cause to be inserted in the *Government Gazette* a notice that on a day in such notice named (being not less than four weeks after the first insertion of such notice) the Court will be moved that the Bill may be taken *pro confesso* against such defendant; and the plaintiff must, upon the hearing of such motion, satisfy the Court that such defendant ought, under the said Rule, to be deemed to have absconded to avoid or to have refused to obey the process of the Court, and that such notice of motion has been inserted in such *Gazette* at least once in every entire week (reckoned from Sunday morning to Saturday evening) which shall have elapsed between the time of the first insertion thereof and the time for which the said notice is given; and the Court, if so satisfied, and if an answer has not been filed, may, if it so think fit, order the Bill to be taken *pro confesso* against such defendant, either immediately, or at such time, or upon such further notice, as under the circumstances of the case the Court may think proper.

5.—Any defendant being in custody for want of his answer, and submitting to have the Bill taken *pro confesso* against him, may apply to the Court upon motion, with notice to be served on the plaintiff, to be discharged out of custody; and thereupon the Court may order the Bill to be taken *pro confesso* against such defendant, and may order him to be discharged out of custody upon such terms as appear to be just, unless it appears from the nature of the plaintiff's case, or otherwise to the satisfaction of the Court, that justice cannot be done to the plaintiff without discovery or further discovery from such defendant.

6.—No cause in which an order is made that a Bill be taken *pro confesso* against a defendant shall be heard on the same day in which the order is made; but the cause shall be set down to be heard, and the Court, if it so think fit, may appoint a special day for the hearing thereof.

7.—A defendant against whom an order to take a bill *pro confesso* is made may appear at the hearing of the cause; and where he waives all objection to the order, but not otherwise, he may be heard to argue the case upon the merits as stated in the Bill.

8.—Upon the hearing of a cause in which a Bill has been ordered to be taken *pro confesso*, such Decree shall be made as to the Court shall seem just; and in the case of any defendant who has appeared at the hearing and waived all objection to such order to take the Bill *pro confesso*, or against whom the Order has been made after appearance, or upon notice served on him, or after the execution of a writ of attachment against him, the Decree shall be absolute.

9.—In pronouncing the Decree the Court may, either upon the case stated in the Bill, or upon that case and a petition presented by the plaintiff for the purpose, as the case may require, order a receiver of the real and personal estate of the defendant, against whom the Bill has been ordered to be taken *pro confesso* to be appointed, with the usual directions, or direct a sequestration of such real and personal estate to be issued, and may (if it appear to be just) direct payment to be made out of such real or personal estate of such sum of money as at the hearing or other subsequent stage of the cause the plaintiff shall appear to be entitled to; provided that, unless the decree be absolute, such payment shall not be directed without security being given by the plaintiff for restitution, in case the Court should afterwards think fit to order restitution to be made.

10.—A Decree founded on a Bill taken *pro confesso* is to be passed and entered as other Decrees.

11.—After a Decree founded on a Bill taken *pro confesso* has been passed and entered, an office copy thereof shall (unless the Court shall dispense with service thereof) be served on the defendant against whom the order to take the bill *pro confesso* was made; and, where the Decree is not absolute under the 8th of these Rules, such defendant shall be at the same time served with a notice, to the effect that if such defendant desires permission to answer the plaintiff's Bill and set aside the Decree, application for that purpose must be made to the Court within six months, or more, as the Court may direct, after such service and notice, or that otherwise such defendant will be absolutely excluded from making any such application.

12.—Where such notice as is mentioned in the 11th of these Rules, is to be served within the jurisdiction of the Court, the time therein specified for such application to be made by the defendant shall be three weeks after service of such notice; but where such notice is to be served out of the jurisdiction of the Court, such time shall be specially appointed by the Court on the *ex parte* application of the plaintiff.

13.—No proceeding shall be taken, and no receiver appointed under the Decree, nor any sequestrator under any sequestration issued in pursuance thereof shall take possession of, or in any manner intermeddle with any part of the real or personal estate of a defendant, and no other process shall issue to compel performance of the Decree, without leave of the Court, to be obtained on motion, with notice served on such defendant, unless the Court shall dispense with such service.

14.—Any defendant, waiving all objection to the Order to take the Bill *pro confesso*, and submitting to pay such costs as the Court may direct, may, within six months after service of the Decree, have the cause re-heard upon the merits stated in the Bill, the petition for re-hearing being signed by counsel as other petitions for re-hearing.

15.—Where a Decree is not absolute under the 8th of these Rules, the Court may order the same to be made absolute on the motion of the plaintiff made—

(1.)—After the expiration of six months from the service of a copy of the Decree on a defendant, where the Decree has been served within the jurisdiction.

(2.)—After the expiration of the time limited by the notice provided for by the 11th of these Rules, where the Decree has been served without the jurisdiction.

(3.)

(3).—After the expiration of seven years from the date of the Decree, where a defendant has not been served with a copy thereof.

And such Order may be made either on the first hearing of such motion, or on the expiration of any further time which the Court may, on the hearing of such motion, allow to the defendant for presenting a petition for leave to answer the Bill.

Same.

16.—Where the Decree is not absolute under the 8th Rule, and has not been made absolute under the 15th Rule, and a defendant has a case upon merits not appearing in the Bill, he may apply to the Court by petition, stating such case, and submitting to such terms with respect to costs and otherwise as the Court may think reasonable, for leave to answer the Bill; and the Court, if satisfied that such case is proper to be submitted to the judgment of the Court, may, if it think fit, and upon such terms as seem just, vacate the Decree, and permit such defendant to answer the Bill; and where permission is so given to put in an answer, leave may be given to file a separate replication to such answer, and issue may be joined, and witnesses examined, and such proceedings had, as if the Decree had not been made and no proceedings against such defendant had been had in the cause.

Same.

17.—The rights and liabilities of any plaintiff or defendant, under a Decree made upon a Bill taken *pro confesso* shall extend to the representatives of any deceased plaintiff or defendant, and to any persons claiming under any person who was plaintiff or defendant at the time when the decree was pronounced; and with reference to the altered state of parties, and any new interests acquired, the Court may, upon motion or petition served in such manner, and supported by such evidence as under the circumstances of the case the Court may deem sufficient, permit any party, or the representative of any party to file such Bill, or adopt such proceedings as the nature and circumstances of the case require, for the purpose of having the Decree (if absolute) duly executed, or for the purpose of having the matter of the Decree (if not absolute) duly considered, and the rights of the parties duly ascertained and determined.

CHAPTER XVIII.

DECREES AND ORDERS.

1.—After any Decree or Order has been pronounced, the party who has the carriage of the Decree or Order is to obtain from the Master a warrant, appointing a time certain to settle the minutes of such Decree or Order.

2.—The warrant, appointing a time to settle minutes of a Decree or Order, must be served upon the parties entitled to attend two clear days before the return thereof.

3.—Provided that such warrant may be returnable immediately, where the Decree or Order is made on affidavit of service, or *ex parte*; or in cases of exigency or emergency, and especially where the Decree or Order relates to the granting, varying, dissolving, or discharging any injunction or writ *Ne exeat Colonia*, or any attachment or sequestration, or relates to the granting of any writ of *habeas corpus*, and the adjudication thereon.

4.—On the issuing any attendable warrant to settle minutes, the party obtaining such warrant is to leave in the Master's office draft minutes of the Decree or Order, so that any party entitled to attend may procure a copy of such minutes before the attendance to settle the same.

5.—At the time appointed by the warrant to settle minutes, the parties are to attend the Master thereon, and produce the briefs of counsel who appeared in Court.

6.—The Master may proceed to settle minutes of any Decree or Order *ex parte*, on proof of service being given, as hereinafter prescribed.

From Order I,
section III, par.
31.

7.—The Master may adjourn any warrant for settling the minutes of any Decree or Order, to such time or times as he may think fit, and the parties who attended such warrant shall be bound to attend such adjournment without further notice.

From Order I,
section III, par.
32.

8.—Notwithstanding the preceding Rules, the Master shall be at liberty, in any case in which he may think it expedient so to do, to settle and pass the Decree or Order without making any appointment so to do, and without notice to any party.

9.—Where the party having the carriage of a Decree or Order neglects to perfect the same within ten days after it shall have been pronounced, any of the other parties may, in the discretion of the Master, be allowed to obtain the like warrants for the purpose of drawing up and perfecting such Decree or Order.

Rule 3, of 12
June, 1850.

10.—No appointment by the Master, for attending him on the passing of a Decree or Order shall in any case be made; nor shall such attendance, or any fee in respect thereof, be allowed.

11.—No Decree or Order shall be drawn up without the leave of the Court, after six months from the time it shall have been pronounced.

From Orders of
Dec., 1833.

12.—It shall not be necessary in drawing up any Decree or Order, to recite any of the pleadings, or any part of any petition save the prayer thereof, or any previous Decree or Order in the cause or matter, or any report, exceptions, certificate, or affidavit, except of proof of service, or other document that has been, or before the Decree or Order is completed, shall be filed or recorded in the Court, but it shall be sufficient to refer thereto; save only that in matters of contempt or in Orders for special injunctions, or where the Decree or Order varies from some general rule, and in such other cases as the Court shall direct, or the Master in his discretion shall see fit, such short recitals shall be made as may be necessary to shew the grounds on which the Decree or Order is granted, and the same principle of brevity is to be observed in all Orders of the Court made upon motion, so far as may be consistent with a statement explaining the grounds upon which the Order is made.

13.—Where any sums of money or any securities or other effects belonging to the Same. suitors of the Court are directed to be paid into or deposited in Court in any cause or matter, or to be paid out or invested in the purchase of stocks, funds, or securities; or where any stocks, funds, or shares are directed to be transferred into the name and with the privity of the Master, or to be transferred out of Court, carried over, or delivered out, the exact sum of money, the amount of the stocks, funds, shares, or securities, and the particulars of the effects so to be paid in, transferred, or deposited, or so to be paid out, invested, transferred out, carried over, or delivered out, shall be ascertained and specified and expressed in the Decree or Order in words written at length; except in the case of residues or shares of residues of money, stocks, funds, or securities, remaining after a portion directed to be applied for particular purposes, the amount of which cannot be ascertained at the time of making the Decree or Order; in which cases the amount of such residues or shares of residues shall be verified by affidavit, without any direction for that purpose in the Decree or Order, unless such residues or shares shall be certified by the Master, who shall be at liberty to certify the same without a direction for that purpose in such Decree or Order.

14.—Where a residue of cash, stocks, funds, shares, or securities, is directed by Same. any Decree or Order to be operated upon by the Master, the exact amount of such residue, where the same can be done, shall, on settlement of the minutes, be verified by affidavit or otherwise, and shall be expressed and specified in the Decree or Order in words at length, so that the amount of such residue may appear on the face of the Decree or Order.

15.—All persons, whether representatives or others, who are directed to pay into, Same. or deposit in Court, any sum of money, securities, or other effects, with the privity of the Master, or to transfer any stocks, funds, or shares into his name and with his privity, and all persons, whether representatives or others, to whom any sums of money, stocks, funds, shares, securities, or other effects are directed to be paid out, transferred, carried over, or delivered out, shall, except in the case of bodies corporate, companies, or societies, be described by name in the Decree or Order, and not merely as plaintiffs or petitioners or the like, unless such payments, transfers, carryings over, or deliveries are directed to or by representatives, and no probate or letters of administration shall have been taken out at the time of making such Decree or Order; and the Christian names and surnames or titles of honor of all such persons, and the titles of all such bodies corporate, companies, and societies, shall be written at length and without abbreviation in such Decrees or Orders.

16.—In all Decrees or Orders directing the payment of interest, dividends, Same. annuities, or other periodical payments, the time when the first of such payments, and when all subsequent periodical payments, whether quarterly, half-yearly, yearly, or otherwise, shall be made shall be specified and expressed in words at length, and where the same has not been so specified and expressed then the respective payments shall be made yearly.

17.—Where any stocks, funds, shares, or securities, standing in the name of the From Orders of Master in trust in or to the credit of any cause, matter, or account, or any part thereof, are 22 August, 1859. or is directed to be divided and transferred or delivered out of Court to or among several persons, or to be carried over to several separate accounts, and where any money is directed to be paid out to or among several persons, or carried over to several separate accounts, the Master shall be at liberty, where it shall appear to him to be more convenient so to do, to state the respective amounts of such stocks, funds, shares, securities, or money to be so transferred, paid, or carried over, in a schedule at the foot of the Decree or Order, and it shall be sufficient to refer to such schedule in the mandatory part of the Decree or Order; but in every such case the total amount of the stocks, funds, shares, securities, or money respectively to be dealt with in such schedule, shall be stated in words at length in the mandatory part of the Decree or Order.

18.—Where, upon or after the death of any person to whom the interest or divi- Same. dends of any stocks, funds, shares, or securities, standing in the name of the Master in trust in, or to the credit of, any cause, matter, or account, or any part of such interest or dividends were or was payable for life an order is made for the sale transfer or delivery of such stocks, funds, shares, or securities, or for the payment of the interest or dividends to accrue due thereon subsequently to the death of such person, the same order shall also provide for the payment to the legal personal representatives of such person of such portion of the interest or dividends on such stocks, funds, shares, or securities, as shall have accrued between the last period of payment and the day of his death, unless the Court shall be of opinion that such legal personal representatives are not entitled thereto, or shall for any other reason otherwise direct.

19.—Every Decree or Order made in any suit or matter requiring any person to From Orders of do an act thereby ordered shall state the time or time after service of the Decree or 11 April, 1842, Order within which the act is to be done, and upon the copy of the Decree or Order and 18 July, which shall be served upon the person required to obey the same, there shall be endorsed 1857. a memorandum in the words or to the effect following, viz. :—“If you the within-named “A. B. neglect to obey this Decree (or Order) by the time therein limited, you will be “liable to be arrested under a writ of attachment issued out of the Supreme Court, and “also be liable to have your estate sequestrated for the purpose of compelling you to “obey the same Decree (or Order).” And in any case where money only has to be paid New. to any person, then to the effect following :—“If you the within-named A. B. neglect to “obey this Decree (or Order) by the time therein limited a writ of *feri facias* may be “issued against you to levy upon your goods and chattels and lands and tenements, and also “be liable to have your estate sequestrated for the purpose of compelling you to obey the “same Decree (or Order).”

- From Orders of Aug., 1841. 20.—Where a defendant, at the hearing of a cause, objects that a suit is defective for want of parties, and has not, by plea or answer, taken the objection, and therein specified by name or description the parties to whom the objection applies, the Court, if it shall think fit, may make a Decree saving the rights of the absent parties.
- Same. 21.—Where a defendant makes default at the hearing of a cause, the Decree shall be absolute in the first instance, without giving the defendant a day to shew cause; and such Decree shall have the same force and effect as if the same had been a Decree *nisi* in the first instance, and afterwards made absolute in default of cause shewn by the defendant.
- From Orders of 1845. 22.—If the plaintiff, after the cause is set down to be heard, causes the Bill to be dismissed on his own application, or if the cause is called on to be heard in Court and the plaintiff makes default, and by reason thereof the Bill is dismissed, such dismissal, unless the Court shall otherwise direct, shall be equivalent to a dismissal on the merits, and may be pleaded in bar to another suit for the same matter.
- From Orders of Aug., 1841. 23.—Every Decree or Order for an account of the personal estate of a testator, or intestate, shall contain a direction for an inquiry as to what parts (if any) of such personal estate are outstanding or undisposed of, unless the Court shall otherwise direct.
- From Orders of 16 Oct., 1852. 24.—Where any Decree or Order directs accounts to be taken, or inquiries to be made by the Master, each direction shall be numbered; so that, as far as may be, each distinct account and inquiry may be designated by a number. And such Decree or Order may be in the form set forth in Schedule D; with such variations as the circumstances of the case may require.
- Orders of 7 August, 1852. 25.—The time within which a party served with notice of a Decree under the Act 17 Vict. No. 7, s. 32, may apply to the Court to add to the Decree, shall be one month after such service.
- Same. 26.—A memorandum of the service upon any person of notice of the Decree in any suit, under the 8th rule of the same section, shall be entered in the Master's Office, upon due proof by affidavit of such service.
- Orders of 1 June, 1854. 27.—Notice of a Decree or Order served pursuant to the 8th rule of the same section shall be entitled in the cause, and there shall be indorsed a memorandum in the form or to the effect following, that is to say:—"Take notice, that from the time of the service of " this notice, you [*or, as the case may be, the infant, or person of unsound mind*] will be " bound by the proceedings in the above cause in the same manner as if you [*or the said " infant or person of unsound mind*] had been originally made a party to the suit; and that " you [*or the said infant or person of unsound mind*] may by an Order of course, have " liberty to attend the proceedings under the within mentioned Decree [*or Order*]; and that " you [*or the said infant or person of unsound mind*] may, within one month after the " service of this notice, apply to the Court to add to the Decree [*or Order*]."
- Orders of 3 April, 1828. 28.—Clerical mistakes in Decrees or Orders, or errors arising from any accidental slip or omission, may at any time be corrected upon motion or petition, without the form and expense of a re-hearing.
- Orders of 8 May, 1845. 29.—Where any person who has obtained any Decree or Order upon condition does not perform or comply with such condition, he shall be considered to have waived or abandoned such Decree or Order, so far as the same is beneficial to himself; and any other person interested in the matter may, on breach or non-performance of the condition, take either such proceedings as the Decree or Order may in such case warrant, or such proceedings as might have been taken if no such Decree or Order had been made, unless the Court shall otherwise direct.

CHAPTER XIX.

RECEIVERS.

- From Orders of 16 Oct., 1852. 1.—Unless otherwise ordered, where an Order is made directing a Receiver to be appointed, the person to be appointed shall first give security, to be allowed by the Master, and taken before a Commissioner in the country, if required, duly to account for what he shall receive on account of the rents and profits for the receipt of which he is to be appointed, at such periods as the Court or Master shall appoint, and to account for and pay the same as the Court shall direct, or, as the case may be, to be answerable for what he shall receive in respect of the personal estate for the getting in and collection of which he is to be appointed, and to account for and pay the same as the Court shall direct. And the person so to be appointed shall be allowed a proper salary or commission for his care and pains in receiving such rents and profits, or, as the case may be, shall have an allowance made to him in respect of his managing and collecting such estate.
- From Orders of 1796 and 1828. 2.—The Master by his report appointing any Receiver shall fix the days upon which he shall (annually, or at longer or shorter periods,) leave and pass his accounts, and shall also afterwards be at liberty to extend or diminish the same, and on the passing of such accounts, the Master shall fix the days upon which such Receiver shall pay such sums as shall be found due and directed to be paid. And with respect to such Receivers as shall neglect to leave and pass their accounts, and pay the balances thereof at the times so to be fixed for that purpose as aforesaid, the Master shall, from time to time, when their subsequent accounts are produced to be examined and passed, not only disallow the salaries or commissions therein claimed by such Receivers, but also charge them with interest after the rate of £8 *per cent. per annum* upon the balances so neglected to be paid by them during the time the same shall appear to have remained in the hands of such Receivers.

3.—Receivers of the rents and profits of lands now or hereafter appointed, shall, when the yearly rent of any such land shall not exceed one hundred pounds, have power to let the land, subject to the approval of the Master, to be shewn by his allocatur indorsed on the lease, and no proposal for a lease or other proceeding relating thereto (save the affixing of such allocatur) shall be had in the Master's office without his direction: Provided that no such lease shall take effect till the expiration of one month from the date of the allocatur, and that it shall be void if the Court shall make an Order to that effect at any time before the expiration of that term. From Rule 22, of 13 Feby., 1850.

4.—When the rent shall not exceed the rate of fifty pounds yearly, Receivers shall have power to let the land from year to year, or for a less period, without the approbation of the Master, previously signified: Provided that every such case shall be subject to his control as to future leases, in case of any complaint made to him. From Rule 23, of 13 Feby., 1850.

5.—In no case within either of the two last preceding rules shall any Certificate or Report be made of the lease being granted or allowed: Provided that the Master may in all cases direct such notices to be given of any proceeding under these rules as he may think fit. Rule 24, of 13 Feby., 1850.

6.—Receivers may, without the previous direction of the Master, lay out in repairing the property, when necessary, any sum not exceeding fifty pounds in one year, and the Master in passing their accounts shall allow the same, if he shall be of opinion that it has been expended for the benefit of the persons interested in the property. Rule 25, of 13 Feby., 1850.

CHAPTER XX.

INJUNCTIONS.

No Injunction for stay of proceedings at law shall be granted, as of course, for default of Appearance or of Answer to the Bill. Order of 7 Aug., 1852.

CHAPTER XXI.

STOP ORDERS.

1.—Where any stocks, funds, shares, securities, or moneys are standing in Court in trust in or to the general credit of any cause or matter, or to the account of any class of persons, and an Order is made to prevent the transfer or payment of such stocks, funds, shares, securities, or moneys, or any part thereof, without notice to the assignee of any person entitled in expectancy, or otherwise, to any share or portion of such stocks, funds, shares, securities, or moneys, the person by whom any such order shall be obtained or the shares of such stocks, funds, shares, securities, or moneys affected by such Order shall be liable, at the discretion of the Court, to pay any costs, charges and expenses, which by reason of any such Order having been obtained shall be occasioned to any party to the cause or matter, or any person interested in any such stocks, funds, shares, securities, or moneys. Order of 3 April, 1841.

2.—Any person making a motion or presenting a petition for any such Order as aforesaid, shall not be required to serve notice of such motion or petition upon the parties to the cause, or upon the persons interested in such part of the stocks, funds, shares, securities, or moneys, as are not sought to be affected by any such Order. Same.

CHAPTER XXII.

SUBPÆNAS.

1.—Where it is intended to sue out a *subpœna*, a *præcipe* for that purpose in the usual form, and containing the name or firm and the place of business or residence of the solicitor intending to sue out the same, and where such solicitor is an agent only, then also the name or firm and place of business or residence of the principal, shall in all cases be delivered and filed at the Master's office. From Order of 21 Dec., 1833.

2.—Writs of *subpœna* shall be in the forms used at Common Law, with such alterations and variations as circumstances may require, and particularly that the witnesses do attend on a day specified, and thence from day to day until the evidence shall have been taken, or they shall be discharged by the Master. From Rule 20, of Feby., 1850.

3.—No more than four persons shall be included in one *subpœna*. Provided that the party suing out the same shall be at liberty to sue out a *subpœna* for each person if it shall be requisite. From Order of 21 Dec., 1833.

4.—In the interval between suing out and service of any *subpœna*, the party suing out the same may correct any error in the names of parties or witnesses, and may have the writ resealed upon leaving a corrected *præcipe* of such *subpœna* marked with the words "altered and resealed," and signed with the name and address of the solicitor suing out the same. Order of 8 May, 1845.

5.—The service of *subpœnas* shall be effected by delivering a copy of the writ and of the indorsement thereon, and at the same time producing the original writ. Order of 21 December, 1833.

6.—

- Order of 8 May, 1845. 6.—Affidavits filed for the purpose of proving the service of a *subpœna* must state where, when, and how such *subpœna* was served, and by whom such service was effected.
- Same. 7.—The service of any *subpœna* shall be of no validity if not made within twelve weeks after the teste of the writ.

CHAPTER XXIII.

PROCESS TO ENFORCE DECREES AND ORDERS.

- Order of 11 April, 1842. 1.—No writ of execution shall hereafter be issued for the purpose of compelling obedience to any Decree or Order, but any person required by such Decree or Order to do any act shall, upon being duly served with a copy of such Decree or Order, be held bound to do such act in obedience thereto.
- Rule 13 of 17 July, 1843. 2.—No writ of attachment, sequestration, or assistance shall be issued without special Order, to be obtained on motion or petition with affidavit of the circumstances of the case; but it shall not be necessary to serve the person against whom such writ is sought to be issued with notice of the motion, or with a copy of such petition.
- Rule 7 of 17 July, 1843. 3.—If any party directed by an Order or Decree to pay money (whether money only, or costs only, or money with costs) shall, after due service of such Order or Decree, neglect to pay the same as thereby directed, the party prosecuting such Order or Decree shall, at the expiration of the time limited for the performance thereof, be entitled to proceed for the recovery of the money thereby payable in the manner directed by the Act of 5 Victoria, No. 9, section 43.
- Rule of 4 May, 1847. 4.—Provided nevertheless, that an attachment may issue when the Decree or Order directs the payment of any money into Court.
- From Rule of 17 July, 1843. 5.—In respect to the payment of costs, when the amount of such costs shall have been duly taxed and certified, and payment thereof demanded from the party by whom payable or his solicitor, execution shall be issued under the said Act (5 Vict., No. 9,) upon an affidavit of due demand from the party by whom the same is payable or his solicitor.
- Order 15, of 26 August, 1841. 6.—Every person, not being a party in the cause, who shall have obtained an Order, or in whose favour any Order shall have been made, shall be entitled to enforce obedience to such Order by the same process as if he were a party to the cause; and every person, not being a party in the cause, against whom obedience to any Order may be enforced, shall be liable to the same process for disobedience to such Order as if he were a party in the cause.
- Rule 9, of 17 July, 1843. 7.—When any party who by any Order or Decree is ordered to deliver possession of any lands, tenements, or hereditaments, within a limited time shall, after due service of such Decree or Order, refuse or neglect to obey the same, the party prosecuting such Order or Decree shall (on proof made of demand and refusal to obey the same) be entitled to a Writ of Assistance.
- Rule 10. 8.—Where any party who by any Order or Decree is ordered, within a limited time, to do some act other than to pay money, or to deliver possession of lands, tenements, and hereditaments, shall, after due service of such Order or Decree, refuse or neglect to obey the same, according to the exigency thereof, the party prosecuting such Order or Decree shall, at the expiration of the time so limited, be entitled to an Attachment.
- Rule 2. 9.—The Sheriff shall bring to the bar of the Court every person arrested upon any Writ of Attachment, on the first day in which the Court shall sit in Equity next after such arrest, or as soon afterwards as practicable; and every such person, and his property, shall be dealt with by imprisonment and sequestration, in like manner as persons and their property are dealt with when brought to the bar of the High Court of Chancery by a Sergeant-at-Arms for a like cause. But this Rule is not to prevent the Sheriff from taking bail for the appearance of the person arrested.
- Rule 3, of 17 July, 1843. 10.—Upon the Sheriff's return of *non est inventus* to an attachment, the party suing out the same, upon affidavit that due diligence has been used in endeavouring to apprehend the person, and stating the facts of such endeavour, shall be entitled to a writ of sequestration in the same manner as a party in the High Court of Chancery.
- Order of 26 August, 1841. 11.—No writ of attachment with proclamations, nor any writ of rebellion shall be issued for the purpose of compelling obedience to any process or Order or Decree of the Court.

CHAPTER XXIV.

APPEALS AND RE-HEARINGS BEFORE THE FULL COURT.

- Rule 14, Jan., 1841. 1.—Any person intending to appeal from any Decree or Order of the Primary Judge, shall, within seven days next after making or pronouncing such Decree or Order, give notice in writing of such his intention to the opposite party; and the Appeal shall be entered and filed in the office of the Master within the time limited by the Acts in that behalf, and shall be signed by two Counsel, and shall specially set forth the grounds and reasons of and for such Appeal; and a copy of such Appeal shall, within seven days next after the filing of the same, be delivered to the Primary Judge, and a like copy to each of the other Judges; and within the like time be served also on the opposite party or his solicitor.

2.—Unless the security required by the said Acts be given to prosecute such Appeal with effect, within the time in that behalf limited, such Appeal shall be deemed to have been abandoned.

3.—The Appeal from the Primary Judge, to the Full Court, shall be by petition, where the Appeal would be by petition, according to the practice of the High Court of Chancery, to the Lord Chancellor or the Lords Justices, from a Decree or Order of the Master of the Rolls or of the Vice-Chancellors. But, except as aforesaid, such Appeal shall be by a note or memorandum filed in the office of the Master, and entitled in the cause, stating simply that the party appeals, setting forth shortly the proceeding on which the question or matter arose, and the substance only of the Order or decision appealed from, with that to which he submits that he was and is entitled; and no notice of a party's intention to appeal shall hereafter in any case be necessary, where a Petition of Appeal is not necessary, nor where that is necessary, if the petition be filed within seven days after the decision; and no copy of the Decree or Order appealed from need in any case be annexed to the Appeal, but a copy thereof shall be left with the Master for the use of the Judges, two days before the hearing. Rule 9, of 2 June, 1845.

4.—Where any Order made by the Primary Judge, as to the admissibility of evidence, shall be objected to, the same shall be appealed from separately, and the Appeal thereon shall be set down to be heard on such day as the Court shall appoint, and the appellant shall in every such case begin, and be entitled to a reply; and no more than one Counsel shall be heard on either side, without leave of the Court. Rule 1 of 13 Feb., 1850.

5.—On the hearing of all other Appeals, (whether on one point only, or on the whole case or otherwise), the party appealing shall begin: Provided that where it is necessary to open the pleadings or to read the evidence, the same shall be opened and read respectively as on an original hearing; and no more than two Counsel shall be heard on either side without leave of the Court, and one Counsel for the appellant in reply. Rule 2 of 13 Feb., 1850.

6.—Every Appeal shall hereafter be set down for the first day for the hearing of Appeals in Equity which shall happen next after the making of the deposit, or giving the security required, unless the Court or the Primary Judge shall otherwise order. And every Appeal not so entered shall be deemed to have been abandoned. Rule 3 of 13 Feb., 1850.

7.—In all respects not otherwise provided for by these Rules, or by the Acts of Council in that behalf (4 Vict. No. 22, and 5 Vict. No. 9, and 11 Vict. No. 22), the rules and practice in force with respect to re-hearings before the Lord Chancellor or Lord Justices, of causes or matters decided by the Master of the Rolls or Vice-Chancellors (the same being strictly appeals in the nature of re-hearings), shall be in force and adopted in this Court. Rule 20 of 2nd June, 1845.

CHAPTER XXV.

REVIVOR AND SUPPLEMENT.

1.—Any person under no disability, or under the disability of coverture, who may be served with an Order under the Act 17 Vict., No. 7 sec 41, to revive any suit or carry on the proceedings therein, may apply to the Court to discharge such Order within twelve days after such service; and any person being under any disability other than coverture who may be so served, may apply to the Court to discharge such Order within twelve days after the appointment of a guardian or guardians *ad litem* for such person; and until such period of twelve days shall have expired, such Order shall have no force or effect as against such last mentioned person. Order of 7 August, 1852.

2.—Where any cause shall not be in such a state as to allow of an Amendment being made in the Bill, the plaintiff may state and put in issue any facts or circumstances which have occurred after the institution of the suit, by filing in the Master's Office a written statement, to be annexed to the Bill; and such proceedings by way of answer, evidence, and otherwise, are to be had and taken upon the statement so filed as if the same were embodied in a Supplemental Bill: Provided that the Court may make any Order which it shall think fit, for accelerating the proceedings therein and thereunder, in any manner which may appear just and practicable. Rule 34, of 19 Nov., 1853.

3.—It shall not be necessary in any Bill to revive a suit, or in any Supplemental Bill to set forth any of the statements in the pleadings in the original suit, unless the special circumstances of the case may require. Order of 26th August, 1841.

4.—When a suit abates by the death of a sole plaintiff, the Court, upon the motion of any defendant, made on notice served on the legal representative of the deceased plaintiff, may order that such legal representative do revive the suit within a limited time, or that the Bill be dismissed. Order of 8 May, 1845.

CHAPTER XXVI.

MOTIONS.

I.—Notices of Motion.

1.—Every notice of motion shall express the day on which it is intended to be made. Order of 13 December, 1814.

2.—Unless the Court give special leave to the contrary, there must be at least two clear days between the service of a notice of motion, and the day named in the notice for hearing the Order of 8 May, 1845.

the motion; and, in the computation of such two clear days, Sundays and Holidays shall not be reckoned.

Same.

3.—There must be at least six clear days, between the service of a notice of motion by the plaintiff for the appointment of a guardian, by whom a defendant who is an infant, or a person of weak intellect or unsound mind, may defend the suit, and the day named in the notice.

II.—*Motion for Decree under 17 Vict., No. 7. s. 15.*

From Orders of
7 August, 1852,
and Rules of 10
November, 1853.
Same.

4.—Twenty days' notice shall be given to the defendant, of any Motion for a Decree or Decretal Order.

Same.

5.—All affidavits to be used in support of such motion shall be filed before the service of such notice, and a list of such affidavits shall be set forth at the foot of such notice.

Same.

6.—The defendant, within twelve days after service of such notice, shall file his affidavits in answer, and deliver to the plaintiff a list thereof.

Same.

7.—Within four days after the expiration of such twelve days, or other period for which the time for filing the defendant's affidavits has been enlarged, the plaintiff shall file his affidavits in reply, which affidavits shall be confined to matters strictly in reply; and he shall deliver to the defendant a list thereof; and, except so far as these affidavits are in reply, they shall not be regarded by the Court, unless upon the hearing of the motion the Court shall give leave to the defendant to answer them; and in that case the costs of such affidavits, and of the further affidavits consequent upon them shall be paid by the plaintiff, unless the Court shall otherwise direct.

Same.

8.—No further evidence on either side shall be used upon such motion for a Decree or Decretal Order without leave of the Court.

Same.

9.—Every notice of motion for a Decree or Decretal Order shall be entered, eight days before such motion, in the cause book with the causes.

III.—*Motions to dismiss Bills.*

Order of 8th
May, 1845.

10.—Any defendant may, upon notice, move the Court that the Bill may be dismissed with costs for want of prosecution, and the Court may order accordingly.

(1.)—Where the plaintiff, having obtained no order to enlarge the time, does not, within four weeks after the answer (or the last of the answers required to be put in by such defendant) is held or deemed to be sufficient, or after the filing of a traversing note against such defendant, file the replication, or set down the cause to be heard on Bill and answer, or set down a motion for a Decree or Decretal Order, or obtain and serve an order for leave to amend the Bill; or,

(2.)—Where the plaintiff, having undertaken to reply to a plea by such defendant to the whole Bill, does not file his replication within four weeks after the date of his undertaking; or,

(3.)—Where the plaintiff, having obtained no order to enlarge the time, does not set down the cause to be heard, and obtain and serve a *subpena* to hear judgment within four weeks after the evidence has closed.

Order of 8 May,
1845.

11.—Where the plaintiff obtains an Order for leave to amend his Bill, and having obtained no Order to enlarge the time, does not amend the Bill within the time limited by the Order to amend, or if no time be so limited then within fourteen days from the date of such Order, the order to amend shall be void, and the cause shall, as to dismissal, stand in the same position as if such Order to amend had not been made.

Same.

12.—Any defendant may, upon notice, move to dismiss the Bill with costs for want of prosecution, where the plaintiff after answer amends his Bill without requiring an answer to the amendments, and having obtained no Order to enlarge the time does not file the replication, or set down the cause to be heard on Bill and answer, or set down a motion for a Decree or Decretal Order, within the times following, viz. :—

(1.)—Within one week after the expiration of the time within which such defendant might have put in an answer, in cases where the defendant does not desire to answer the amendments.

(2.)—Within fourteen days after the refusal to allow further time, in cases where the defendant, desiring to answer, has not put in his answer within the time allowed for that purpose, and the Court or Master has refused to allow further time.

(3.)—Within fourteen days after the filing of the Answer, in cases where the defendant has put in an answer to the amendments, unless the plaintiff has within such fourteen days obtained a special Order for leave to except to such answer, or to re-amend the Bill.

Same.

13.—A defendant to a suit commenced by Bill, who shall not have been required to answer the Bill, and shall not have answered the same, shall be at liberty to apply for an Order to dismiss the Bill for want of prosecution, at any time after the expiration of three months from the time of his appearance, unless a motion for a decree or decretal order shall have been set down in the meantime, or the cause shall have been set down to be heard; and the Court may, upon such application, if it shall think fit, make an Order dismissing the Bill, or make such other Order, or impose such terms, as may appear just and reasonable.

CHAPTER XXVII.

PETITIONS, EXCEPTIONS TO REPORTS, AND ADMINISTRATION SUMMONS.

1.—At the foot of every petition (not being a petition of appeal or of course) preferred to the Court, and of every copy thereof, a statement shall be made of the persons (if any) intended to be served therewith; and if no person is intended to be served with such petition, a statement to that effect shall be made at the foot of the petition, and of every copy thereof. Order of 30 March, 1859.

2.—Unless the Court gives special leave to the contrary, there must be at least two clear days between the service of a petition and the day appointed for hearing the petition; and in the computation of such two clear days, Sundays and Holidays shall not be reckoned. Order of 8 May, 1845.

3.—Where there shall be Exceptions to the Master's Report, or a petition or motion that the same be reviewed, the evidence on both sides shall be read before the argument, and the party objecting to the Report shall in all cases begin and have the reply. Rule of 12 1858.

4.—The deposit upon Exceptions to a Master's Report shall be ten pounds, to be paid to the adverse party if the Exceptions are overruled; in which case the exceptant shall also pay the further taxed costs occasioned by such Exceptions, unless the Court shall otherwise order: but, in case the exceptant shall in part succeed, the deposit shall be dealt with, and costs shall be paid, as the Court shall direct. Order of 3 April, 1828.

5.—In the case of petitions under Acts of the Legislature authorizing the sale of property for public purposes, where the purchase money is directed by any such Acts to be paid into Court, the petitioners claiming to be entitled to the money so paid in must make an affidavit, not only verifying their title, but also stating that they are not aware of any right in any other person, or of any claim made by any other person, to the sum in the said petition mentioned, or to any part thereof; or, if the petitioners are aware of any such right or claim, they must in such affidavit state or refer to and except the same. Order of 4 July, 1828.

6.—Every Administration Summons, for the purpose of proceedings before the Primary Judge, under section 34 or 36 of the Act 17 Vict. No. 7, may be in the form set forth in Schedule E to these Rules, or in a form similar thereto, with such variations as the circumstances of the case may require; and the same shall be served eight days at the least before the return thereof, and the parties served shall severally before the return day, enter appearances in the Master's office. Rule 37 of 10 Nov., 1853.

7.—In all cases where the matter in respect of which the Administration Summons issued is not disposed of on the return day, the parties are to attend from time to time, without further Summons, as the Primary Judge may direct. Rule 38 of 10 Nov., 1853.

CHAPTER XXVIII.

PROCEEDINGS, REFERENCES, INQUIRIES, AND ACCOUNTS BEFORE THE MASTER.

1.—The Master is to enter in a book the names and title of every cause or matter referred to him, and the date and description of every step taken before him, and the attendance or non-attendance of the several parties on each of such steps; so that such book may exhibit, at one view, the whole course of proceeding which is had before him in each particular cause or matter. Order 49 of 3 April, 1828.

2.—At the time any warrant or appointment is obtained, an entry thereof is to be made in a book called the Warrant and Appointment Book, stating the date on which the warrant is issued or appointment made, the name of the cause or matter, and by what party, and shortly for what purpose, such warrant or appointment is obtained. Order 21 of 16 Oct., 1852.

3.—All warrants and appointments, for business to be transacted before the Master, shall be taken out for the same hour; but no more than six warrants, or six appointments for the examination of witnesses (or six such appointments and warrants unitedly,) shall be taken out for one day. Rules 2 and 3, of June 27, 1855.

4.—A list of all matters to be heard, and business transacted before the Master, in pursuance of such warrant or appointment, shall be made out and kept exhibited in his office, and on each day all matters shall be taken according to such list. Rule 4 of same.

5.—Provided that appointments for the settlement of Minutes shall have precedence over other business. Rule 5.

6.—If on any day all the warrants or appointments for the examination of witnesses be not disposed of, the remanets shall be taken on the next day, before the business appointed for that day, unless the Master shall otherwise direct. Rule 6.

7.—The Master shall be at liberty, for sufficient cause, to advance or postpone any matter to be proceeded with before him, on such terms (if any) as shall appear to him to be reasonable. Rule 7.

8.—After the drawing up and entering of every Decree or Order, the solicitor prosecuting the same shall, within seven days, take out a warrant appointing a time for the purpose of the Master taking into consideration the matter of the Decree or Order, and shall serve the same upon the parties. Provided that it shall not be necessary to serve the Master with the copy of any Decree or Order, or any part of a Decree or Order, in respect of any reference under it. From Order 50 of 1828. Rule 13 of 13 Feb., 1850.

9.—At the time so appointed for considering the matter of the Decree or Order, the original Decree or Order is to be produced before the Master, who shall proceed to regulate, as far as may be, its execution; for example, to state what parties are entitled to attend future proceedings, to direct necessary advertisements, and to point out which

of

of the several proceedings may be properly going on *pari passu*, and the manner in which inquiries and accounts are to be prosecuted, and the evidence to be adduced in support thereof; and if the Master shall think it expedient so to do he shall fix a certain time, or certain times, within which the parties are to take any certain proceedings before him.

From Order 52
of 1828.

10.—On any subsequent attendance before him, the Master if he thinks it expedient, may likewise fix a certain time, or certain times, within which the parties are to take any proceeding or proceedings before him; and he may give any further directions, as to the manner of the prosecution of the cause or matter before him; and all such directions may afterwards be added to or varied from time to time.

Order 18 of
16 Oct., 1852.

Order 58 of 1828.

11.—The Master shall be at liberty, without order, to proceed *de die in diem*, at his discretion.

Rule 8 of 5 Aug.,
1848.

12.—Whenever a warrant is attended before the Master he shall be at liberty to continue the proceedings upon the same for any length of time he may think fit, and to adjourn the proceedings thereunder from time to time; and no more than the first warrant shall be taken out, for the time during which he shall so continue or adjourn the proceedings; but the solicitor shall, as heretofore, be entitled to receive 6s. 8d. for each hour of attendance.

From Order 59
of 1828.

13.—Every warrant for attendance before the Master shall be considered peremptory, and in case the Master shall not be attended by the solicitor, or a competent person on behalf of the solicitor, of any party, the Master shall in such case disallow the usual fee for the solicitor's attendance, taking care to mark his determination in his book, or on the warrant for attendance.

Order 53 of 1828.

14.—Where some, or one, but not all the parties, shall attend the Master at an appointed time, whether the same be fixed by the Master personally or upon a warrant, then the Master shall be at liberty to proceed *ex parte*, if he thinks it expedient considering the nature of the case so to do.

Order 54 of 1828.

15.—Where the Master has proceeded *ex parte*, such proceeding shall not in any manner be reviewed in the Master's Office, unless the Master, upon a special application made to him for that purpose by the party who was absent, shall be satisfied that he was not guilty of wilful delay or negligence, and then only upon the payment of all costs occasioned by his non-attendance, such costs to be certified by the Master at the time, and paid by the party, before he shall be permitted to proceed on the warrant to review.

Rule 16 of 5 Aug.
1848.

16.—Whenever it shall appear to the Master that the costs, or part of the costs, of any attendance, or of any proof before him, or costs incurred through any non-attendance, ought not to abide the general event of the reference to him, but that it is just and reasonable that the same should be paid specially by any party or claimant, it shall be lawful for him in his discretion to award the payment of such costs, or part thereof, or a fixed sum in lieu of such costs, as, and where, and by whom, he shall in that behalf direct.

Order 56 of 1828.

17.—Where the party actually prosecuting a Decree or Order does not proceed before the Master with due diligence, then the Master shall be at liberty, upon the application of any other party interested, either as a party to the suit or as one who has come in and established his claim before the Master under the Decree or Order, to commit to him the prosecution of the said Decree or Order, and from thenceforth the party making default shall not be at liberty to attend the Master as prosecutor of the said Decree or Order.

Order 57 of 1828

18.—Upon any application made by any person to the Court, the Master, if required by the person making the application, shall, in as short a manner as he conveniently can, certify to the Court the several proceedings which shall have been had in his office in the same cause or matter, and the dates thereof.

Order 68 of 1828

19.—No warrant to review any proceeding in the Master's Office shall be allowed to be taken out, except by permission of the Master, upon special grounds, to be shewn him for that purpose; and the costs of such review, when allowed, shall be in the discretion of the Master, and shall be paid by and to such persons, and at such time, as he shall direct.

Order 60 of 1828.

20.—Where, by any Decree or Order of the Court, books, papers, or writings are directed to be produced before the Master for the purposes of such Decree or Order, it shall be in the discretion of the Master to determine what books, papers, or writings are to be produced, and when, and for how long they are to be left in his office; or, in case he shall not deem it necessary that such books, papers, or writings should be left in his office, then he may give directions for the inspection thereof by the parties requiring the same, at such time and in such manner as he shall deem expedient.

From Order 61 of
1828, and Order
29 of Oct., 1852.

21.—All parties accounting before the Master shall bring in their accounts, verified by affidavit, in the form of debtor and creditor, and the items on each side are to be numbered consecutively; and any party not satisfied with the account so brought in shall be at liberty to examine the accounting party *vivâ voce*, or upon interrogatories, as the Master shall direct: Provided that, in taking any account directed by any Decree or Order, all just allowances shall be made, without any direction for that purpose in such Decree or Order.

Order of 22 Aug,
1859.

From Order 65 of
1828, and Rules 9
and 10 of 5 Aug.,
1848.

22.—All affidavits and evidence, which have been previously made or taken and read in Court upon any proceeding in a cause or matter, may be used before the Master in all references to and proceedings before him; and, where any other or further evidence may be required, it shall be lawful for the Master to take such evidence as he shall think fit; and no Order shall be necessary, to examine a witness who has given evidence preparatory to the hearing, except as to matters on which he shall have been examined before.

23.—Warrants on leaving, and to proceed upon any state of facts, claim, charge, discharge, account, or any other matter, are to be issued and served two clear days before the return; and, upon any proceeding whereon evidence is to be given, the Master shall be at liberty to direct, from time to time, that evidence shall be taken separately upon any selected point or points, and the evidence shall be taken accordingly. From Rule 1 of 5 Aug., 1848.

24.—The taking of evidence before the Master, under any reference to him by Decree or Order, whether upon the whole matter or any selected point or points, shall be proceeded with and closed under his direction, in the same manner (as nearly as may be) as upon an issue of fact at common law. Rule 2 of 5 Aug., 1848.

25.—After the evidence shall have been closed, the Master shall endorse on the state of facts, claim, charge, discharge, account, or other matter whereon evidence shall have been given, his decision thereon; and, after such endorsement, no further evidence shall be taken without an order of Court, or by consent. But he shall be at liberty nevertheless to alter his decision, and the endorsement thereof, at any time before the draft of his Report shall be settled. Rule 3 of 5 Aug., 1848.

26.—After the draft of the Report shall have been settled, no objections thereto shall be taken, nor shall any alteration be made therein except by consent; but the Master shall sign the Report within four days after the draft thereof shall have been settled, without notice to any of the parties concerned, and no warrant shall issue, or attendance be had, on preparing the draft Report, or on signing the Report. Rule 4 of 5 Aug., 1848.

27.—All states of facts, claims, and other matters on which the Master's decision shall have to be endorsed, shall be left in his Office—and warrants on leaving and to proceed issued—before taking evidence thereon; but no such matters shall be filed until his decision shall have been endorsed thereon, after which the same shall not be withdrawn, added to, or altered, without an Order of Court or by consent. Rule 5 of 5 Aug., 1848.

28.—The Master shall be at liberty to direct that service of any warrant, document, or other matter, heretofore used to be served on any person, shall be dispensed with. Rule 6 of 5 Aug., 1848.

29.—No affidavit shall be made of the service of any warrant, appointment, document, or other matter requiring service thereof to be shown to the Master, but the Master shall take proof thereof when requisite *vivâ voce*; and where such proof shall have been required, he shall make and file with the proceedings a note, stating that the party has given or failed to give such proof, as the case may be. Rule 7 of 5 Aug., 1848.

30.—In suits wherein creditors are permitted or required to come in and prove their debts before the Master, no creditor (other than a party to the suit) shall be entitled to attend on any matter not connected with the proof of his own debt, except by direction of the Master. Any creditor so proving shall be entitled to the costs of establishing his debt, and the sum to be allowed for such costs shall be fixed by the Master without taxation, at the time the Master allows the debt of such creditor, unless the Master shall think that such costs ought to be taxed in the regular mode. And in all such suits the Master may (if he shall think fit) where the proof is not opposed, or for a sum under £10, allow the debt on the affidavit of the claimant alone, and also if he shall think fit without any claim in writing having been brought in. Provided that in such last-mentioned case, the allowance or disallowance of the debt shall be endorsed on such affidavit. From Rule 11 of 5 Aug., 1848, and part of Order of 11 April, 1842.

31.—The Master shall be at liberty, in all cases, to state special circumstances in his Reports. Rule 12 of 5 Aug., 1848.

32.—In all matters referred to him, the Master shall be at liberty, upon the application of any party interested, or without such application, to make a separate Report from time to time as to him shall seem expedient, the costs of such separate Reports to be in the discretion of the Court. Order 70 of 1828.

33.—Where the Master shall make a separate Report of debts or legacies, there the Master shall be at liberty to certify as he thinks fit with respect to the state of the assets, and every person interested shall thereupon be at liberty to apply to the Court, as he shall be advised. Order 71 of 1828.

34.—If any party wishes to complain of any matter introduced into any state of facts, affidavit, or other proceeding before the Master, on the ground that it is scandalous or impertinent, or that any examination taken in the Master's office is insufficient, he shall be at liberty, without any order of reference by the Court, to take out a warrant for the Master to examine such matter, and the Master shall have authority to expunge any scandalous or impertinent matter, and to direct any further examination. From Order 73 of 1828.

35.—Whenever, in any proceeding before the Master, the same solicitor is employed for two or more parties, the Master may, at his discretion, require that any of the said parties shall be represented before him by a distinct solicitor, and may refuse to proceed until such party is so represented. Order 77 of 1828.

36.—No Report or Certificate to be made by the Master shall, unless the special circumstances of the case require, set out the Decree or Order, or any documents, or evidence, or reasons; but shall refer to the Decree or Order, documents and evidence, or particular paragraphs thereof, so that it may appear thereby to the Court upon what the result stated in such Report or Certificate is founded. From Order of 16 Oct., 1852.

37.—No order *nisi* to confirm a Report shall hereafter be made; but in cases where such Orders were formerly required on moving to confirm a Report, the confirmation shall be by an Order absolute in the first instance, upon motion. Provided that not less than eight days' notice of such motion shall be given, and that within that time or previously any party dissatisfied with the Report may file and set down exceptions to the same. Rule 13 of Aug., 1848.

38.—Exceptions may be taken to the Master's Report in all other cases, or a petition may be filed, or motion made, that the Master do review his Report, notwithstanding the abolition of objections to the draft Report. Provided always, that unless the party shall in

such case make it appear, either that he objected to the Report on the same grounds upon the settlement of the draft Report, or that he could not then avail himself of those grounds, he shall not be entitled to any costs unless the Court shall otherwise order.

Rule 15 of 5
Aug., 1848.

39.—When the Master is ordered to settle any conveyance, in case the parties differ about the same, a statement in writing of the required alterations shall be served, by the party objecting to the draft, on the party by whom the same was prepared, within eight days after the service of notice of leaving such draft with the Master.

Rule 8, of 13
Feb., 1850.

40.—All references to the Master, when guardians, new trustees, receivers, or committees of lunatics are to be appointed, shall be for appointment by the Master in the first instance, unless the Court shall otherwise order; and a Certificate by him of such appointment, and of the allowance of the maintenance of the infant or lunatic, or of the settling of any deed, shall be filed in the Master's office; and such Certificate shall not require confirmation by the Court, but shall be liable, during the eight following days after the filing thereof, to be reviewed.

From Order
of 16 Oct., 1852.

41.—The time, within which application may be made to the Court for the review of any other Certificate, in the nature of a Report, is to be eight clear days after the filing of such Certificate or Report.

From Order
of 16 Oct., 1852.

42.—Provided that, in cases where any computation of interest, or the apportionment of any ascertained fund is directed by the Court to be made and acted upon, then it may be acted upon after four clear days from the filing of the Report or Certificate thereof.

From Order of
16 Oct., 1852.

43.—Where an Order is made directing an account of debts, claims, or liabilities, or an inquiry for next of kin or other unascertained persons, the Master is to cause advertisements to be inserted in the *Government Gazette* and other newspapers, as he may think fit, for the same, and fix a peremptory day for that purpose; and, unless otherwise ordered, all persons who do not come in and prove their claims, within the time which may be fixed for that purpose by advertisement, are to be excluded from the benefit of the Order.

From Order of
16 Oct., 1852.

44.—Where an Order is made directing any property to be sold, unless otherwise ordered, the same is to be sold with the approbation of the Master, to the best purchaser that can be got for the same, to be allowed by him; and all proper parties are to join therein as the Master shall direct.

Rule 10 of 13
Feb., 1850.

45.—When any property is ordered to be sold by (or by the direction of) the Master, he shall by memorandum in writing (without any proposal being laid before him) appoint an auctioneer to sell such property, who shall proceed to the sale in the usual manner, and be paid a per centage or fixed stated sum, to be fixed by the Master at the time of such appointment; and such auctioneer shall pay over to the Master any deposit which he may receive, to the credit of the cause in which the Order was made, within seven days after he shall have received the same, and shall state what he has done in respect of the sale, upon affidavit to be filed in the Master's Office.

Rule 11 of 13
Feb., 1850.

46.—No Order shall be necessary for allowing any party to the record to bid at such sale, if he would be allowed, by law, to bid at the same sale in case it had not been under an Order of Court.

From Order of
1853.

47.—Upon all Orders, directing the investing of sums of money of uncertain amount in the purchase of securities, such investments shall be made when the money shall amount to a competent sum, and not sooner.

Rule of 18 April,
1849.

48.—In order to prevent inconvenient delays from the pressure of business at any time in his office, the Master may in any case allow any Decree, Order, Report, or other Document to be engrossed or copied by the solicitor requiring the same, and in such cases the solicitor shall be allowed four-pence per folio for such engrossment or copy, and no office fee shall be payable, except (in case of office copies) the fee payable for certifying the same.

49.—Where not otherwise provided for by these Rules, all proceedings in the Master's Office shall be according to the practice in the Masters' Offices in the High Court of Chancery, in force on the 29th day of June, 1852, as far as circumstances will allow.

CHAPTER XXIX.

RULES AS TO TIME.

I.—*Time generally.*

1.—As in the cases respecting the time allowed for Appearance or for shewing cause against a Claim, where time is prescribed to a defendant for the doing of any act, there shall be half as many more days allowed, if he resides above 100 miles from Sydney, and twice the stated number of days if he resides above 200 miles from Sydney.

2.—Service of all writs, notices, summonses, orders, warrants, documents, and other proceedings, not requiring personal service, shall be made before five o'clock in the afternoon, except on Saturday, when it shall be made before one o'clock in the afternoon.

3.—A defendant may demur alone to any Bill, within twelve days after his appearance thereto, but not afterwards.

4.—A defendant required to answer a Bill, whether original or amended, must put in his Plea, Answer, or Demurrer thereto, not demurring alone, within fourteen days from the delivery of a copy of the Interrogatories which he is required to answer.

5.—A defendant not required to answer a Bill may, without any leave of the Court or Master, put in a Plea, Answer, or Demurrer, not demurring alone, within fourteen days after the expiration of the time within which he might have been served with Interrogatories, for his examination in answer to such Bill.

6.—Where a defendant is ordered to answer Amendments and Exceptions together, he must put in his further Answer, and his Answer to the amendments of the Bill, within fourteen days after he shall have been served with Interrogatories for his examination in answer to the amended Bill. Where he does not, and procures no enlargement of the time allowed, he shall be subject to the following liabilities:—

- (1.) An attachment may be issued against him.
- (2.) He may be committed to prison, and brought to the bar of the Court.
- (3.) The plaintiff may file a traversing note, or proceed to take the Bill *pro confesso* against him.

7.—Where the plaintiff amends his Bill without requiring an answer to the Amendments, a defendant who has answered, or has not been required to answer the original Bill, but desires to answer the amended Bill, must put in his Answer thereto within fourteen days after the expiration of the time within which, if an Answer had been required, he might have been served with Interrogatories, for his examination in answer to such amended Bill, or within such further time as the Court or Master may allow.

8.—Where a defendant, using due diligence, is unable to put in his Answer to a Bill within the times allowed by these Rules, the Court or Master, on sufficient cause being shewn, may, as often as he shall deem right, allow to such defendant such further time, and on such (if any) terms, as to the Court or Master shall seem just.

II.—*Computation of Time.*

9.—Where any time, from or after any date or event, is appointed or allowed for doing any act or taking any proceeding, and such time is not limited by hours, the computation of such time shall not include the day of such date, or of the happening of such event, but shall commence at the beginning of the next following day; and the act or proceeding shall be done or taken, at the latest, on the last day of such time, according to such computation.

10.—Where the time for doing any act, or taking any proceeding, is limited by months, such time shall be taken to be calendar months.

11.—Where any limited time, less than eight days from or after any date or event, is appointed or allowed for doing any act, or taking any proceeding, Sundays, and other days on which the offices are closed, shall not be reckoned in the computation of such limited time.

12.—Where the time for doing any act, or taking any proceeding, expires on a Sunday, or other day on which the offices are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time of doing or taking the same, be held to be duly done or taken, if done or taken on the day on which the offices shall next open.

13.—The day, on which an Order that the plaintiff do give security for costs is served, and the time thenceforward, until and including the day on which such security is given, shall not be reckoned in the computation of time allowed a defendant to plead, answer, or demur, or otherwise make his defence to the suit.

III.—*Proviso as to Time.*

14.—The power of the Court, to enlarge or abridge the time for doing any act or taking any proceeding, upon such, (if any,) terms as the justice of the case requires, shall not be affected by these Rules.

15.—Where the Master is authorized to appoint or enlarge the time for answering, the Master may further enlarge any time so appointed or enlarged, upon such, (if any) terms as shall be deemed just, provided the application for such enlargement is made before the expiration of the time previously allowed, and such enlargement appears to be required for the purposes of justice, and not to create unnecessary delay.

CHAPTER XXX.

COSTS, CHARGES, AND EXPENSES GENERALLY.

1.—Where the Court appoints one of the solicitors of the Court, to be guardian *ad litem* of an infant or person of unsound mind, the Court may direct that the costs, to be incurred in the performance of the duties of such office, shall be borne and paid either by the parties, or some one or more of the parties, to the suit in which such appointment is made, or out of any fund in Court in which such infant or person of unsound mind may be interested; and may give directions for the repayment or allowance of such costs, as the justice and circumstances of the case may require.

2.—Where costs are ordered to be paid to a party suing or defending *in formâ pauperis*, such costs shall be taxed as *dives* costs, unless the Court shall otherwise direct.

3.—One hundred pounds shall be the penal sum in the bond to be given as a security to answer costs, by any plaintiff who is out of the jurisdiction of the Court; or that sum may be paid into Court.

4.—

4.—Where the plaintiff is directed to pay to the defendant the costs of the suit, the costs occasioned to a defendant by any amendment of the Bill shall be deemed to be part of such defendant's costs in the cause, (except as to any amendment which may have been made by special leave of the Court, or which shall appear to have been rendered necessary by the default of such defendant;) but there shall be deducted from such costs any sum which may have been paid by the plaintiff, according to the course of the Court, at the time of any amendment.

5.—Where upon taxation, a plaintiff who has obtained a Decree with Costs is not allowed the costs of any amendment of the Bill, upon the ground of its having been unnecessarily made, the defendant's costs occasioned by such amendment shall be taxed, and the amount thereof deducted from the costs to be paid by the defendant to the plaintiff.

6.—Where, upon the hearing of any cause, petition, or motion, the Court is of opinion that any pleading, petition, or affidavit, or any part thereof, is improper, or of unnecessary length, there unless the same has been referred for impertinence under the practice existing before the passing of the Act of Council 17 Victoria, No. 7, the Court may either declare such pleading, petition, or affidavit, or any part thereof, to be improper or of unnecessary length, or may direct the Master to look into such pleading, petition, or affidavit, and distinguish what part thereof is improper, or of unnecessary length; and may direct the Master to ascertain the costs occasioned to any party, by such part thereof as in the one case may have been declared to be, and in the other case may have been distinguished as being, improper or of unnecessary length, and may make such Order as is just for the payment, set off, or other allowance of such costs.

7.—The application to be made under the 17th Victoria, No. 7, for the costs of any impertinent matter introduced into any Bill, Answer, or other proceeding, shall be made at the time when the Court disposes of the costs of the cause or matter, and not at any other time.

8.—Where the same solicitor is employed for two or more defendants, and separate Answers are filed, or other proceeding had by or for two or more of such defendants separately, the Master shall consider, in the taxation of such solicitor's bill of costs, either between party and party or between solicitor and client, whether such separate Answers or other proceedings were necessary or proper; and, if he is of opinion that any part of the costs occasioned thereby has been unnecessarily or improperly incurred, the same shall be disallowed.

9.—Where a defendant submits to Exceptions for insufficiency, he shall as heretofore pay to the plaintiff twenty shillings costs, if before the Order of reference, and thirty shillings if before the Report, unless other costs are specially certified by the Master. And, where a plaintiff obtains a Decree with costs, the costs occasioned to the plaintiff by the insufficiency of the Answer of any defendant shall be deemed to be part of the plaintiff's costs in the cause; such sum being deducted therefrom, as shall have been paid by the defendant upon the Exceptions to the said answer being submitted to, or certified insufficient.

10.—The costs of a Bill of Discovery, filed by any defendant to a Bill for relief, shall be costs in the original cause, unless the Court shall otherwise direct.

11.—The plaintiff, having duly caused an appearance to be entered for any defendant, is entitled as against the same defendant to the costs of and incident to entering such appearance, whatever may be the event of the suit; and such costs shall be added to any costs which the plaintiff may be entitled to receive from such defendant, or be set off against any costs which he may be ordered to pay to such defendant; but payment thereof shall not be otherwise enforced, without the leave of the Court.

12.—Where no account, payment, conveyance, or other relief is sought against a party, but the plaintiff requires such party to appear to or answer the Bill, the costs occasioned by the plaintiff having required such party so to appear to or answer and the costs of all proceedings consequent thereon, shall be paid by the plaintiff, unless the Court shall otherwise direct.

13.—Expenses incurred in consequence of affidavits being prepared or settled by Counsel shall be allowed, only, when the Master shall in his discretion, and on consideration of the special circumstances of each case, think such expenses properly incurred; and in such case he shall be at liberty to allow the same, or such parts thereof as he may consider just and reasonable, whether the taxation be between solicitor and client, or between party and party.

14.—Where two Counsel appear for the same party, upon the hearing of any cause or matter, and it appears to the Master to have been proper for such party to retain two Counsel to appear, the costs occasioned thereby shall be allowed, although both of such Counsel may have been selected from the outer bar.

15.—Where a cause which stands for hearing is called on to be heard, but cannot be decided by reason of a want of parties, or other defect on the part of the plaintiff, and is therefore struck out of the paper, and the same cause is again set down, the defendant shall be allowed the taxed costs occasioned by the first setting down, although he does not obtain the costs of the suit.

16.—Where a cause, being in the paper for hearing, is ordered to be adjourned upon payment of the costs of the day, the party to pay the same shall pay the sum of ten pounds, unless the Court shall otherwise direct.

17.—Where a party gives a notice of motion, and does not move accordingly, he shall pay to the other side costs to be taxed by the Master, unless the Court itself shall direct, upon production of the notice of motion, what sum shall be paid for costs.

18.—Where costs are to be taxed as between party and party, the Master may allow to the party entitled to receive such costs all such just and reasonable expenses, as appear to have been incurred in—
The

The service and execution of writs, and the service of orders, notices, petitions, warrants, and summonses;
 Advising with Counsel on the pleadings, evidence, and other proceedings in the cause;
 Procuring Counsel to settle and sign pleadings, and such petitions as may appear to be proper to have been settled by Counsel;
 Procuring consultations of Counsel, and procuring the attendance of Counsel in the Master's Office, where the Master may consider the case to be proper for Counsel to attend;
 Procuring evidence by deposition or affidavit, and the attendance of witnesses;—
 and
 Supplying Counsel with copies of extracts from necessary documents.

But, in allowing such costs, the Master shall not allow to such party any costs which do not appear to have been necessary or proper for the attainment of justice, or for defending his rights, or which appear to have been incurred through over-caution, negligence, or mistake, or merely at the desire of the party.

19.—Any party who may be dissatisfied with the allowance or disallowance by the Master, in any Bill of costs taxed by him, of the whole or any part of any item or items, may at any time before the Certificate is signed deliver to the other party interested therein, and carry in before the Master an objection in writing to such allowance or disallowance, specifying therein by a list, in a short and concise form, the items or item or parts or part thereof objected to, and may thereupon apply to the Master for a warrant, to review the taxation in respect of the same.

20.—Upon the application for such warrant, or upon the return thereof, the Taxing Master shall reconsider and review his taxation upon such objection; and he may, if he shall think fit, receive further evidence in respect thereof, and if so required by either party he shall state, either in his Certificate of taxation, or by reference to such objection, the grounds and reasons of his decision thereon, and any special facts or circumstances relating thereto.

21.—Any party who may be dissatisfied with the certificate of the Master, or with his allocatur, if the costs so allowed form a sum to be afterwards inserted in a Report or Certificate, may, as to any item or part of an item which may have been objected to, apply to the Court by motion or petition for an Order to review the taxation as to the same, and the Court may thereupon make such Order as to the Court shall seem just; but the Certificate or allocatur of the Master shall be final and conclusive as to all matters which shall not have been so objected to.

22.—Such motions and petitions shall be heard and determined, upon the evidence which shall have been brought in before the Master; and no further evidence shall be received, upon the hearing thereof, unless the Court shall otherwise direct.

23.—Upon interlocutory applications, where the Court deems it proper to award costs to either party, the Court may, by the Order, direct payment of a sum in gross, in lieu of taxed costs, and direct by and to whom such sum in gross shall be paid.

24.—Where a Bill or Petition is dismissed with costs, or a motion is refused with costs, or any costs are by any general or special Order ordered or decreed to be paid, the Master may tax such costs without any Order referring the same for taxation; unless the Court, upon the application of the party alleging himself to be aggrieved, prohibits the taxation of such costs. And all costs certified by the Master, and finally allowed, shall be recoverable by writ of *feri facias*.

25.—Where it is directed that costs shall be taxed, in case the parties differ about the same, the party claiming the costs shall bring the bill of costs into the Master's office, and give notice of his having so done to the other party; and at any time within eight days after such notice, such other party shall have liberty to inspect the same, if he thinks fit. And at or before the expiration of the eight days, or such further time as the Master shall in his discretion allow, such other party shall either agree to pay the costs, or signify his dissent therefrom, and shall thereupon be at liberty to tender a sum of money for the costs. But where he makes no such tender, or where the party claiming the costs refuses to accept the sum so tendered, the Master shall proceed to tax the costs; and where the taxed costs shall not exceed the sum tendered, the costs of the taxation shall be borne by the party claiming the costs.

26.—Where any costs are by any Decree or Order directed to be taxed, and to be paid out of any money in Court, the Master, in his certificate of taxation, shall state the total amount of all such costs, as taxed, without any direction for that purpose in such Decree or Order.

CHAPTER XXXI.

PROCEEDINGS UNDER THE STATUTORY JURISDICTION.

I.—*Trustee Relief and Security Act, 21 Victoria, No. 7.*

1.—Any trustee, desiring to pay money to the account of the Master, or transfer or deposit stock or securities, into or in the Master's name under the Statute 21 Viet., No. 7, shall file an affidavit entitled in the matter of the Trust and in the matter of the Act, and setting forth—

(1.)—His own name and address.

(2.)

From Orders of
January, 1860.

- (2.)—The place where he is to be served with any petition, or any notice of any proceeding or order of the Court relating to the trust fund.
- (3.)—The amount of money, stock, or securities which he proposes to pay, or transfer into or deposit in Court to the credit of the trust.
- (4.)—A short description of the trust, and of the instrument creating it.
- (5.)—The names of the persons interested in or entitled to the fund, to the best of the knowledge and belief of the trustee.
- (6.)—The submission of the trustee to answer all such inquiries, relating to the application of the money, stock, or securities paid in, transferred, or deposited, under the Act, as the Court may think proper to make or direct.

2.—The Master, on production of the affidavit, shall give the necessary directions for payment, transfer, or deposit, and place the money, stock, or securities, to the account of the particular trust; and such payment, transfer, or deposit, shall be certified in the usual manner.

3.—Where it is deemed unnecessary to have the money, or the dividends or interests of stock or securities invested in the meantime, the affidavit shall further contain a statement to that effect; but where the affidavit contains no such statement, the Master shall be at liberty to invest, as soon as conveniently may be, the money in Government Debentures, in the matter of the particular Trust, or, in cases of dividends or interest on stock, or securities transferred, such dividends or interest in the like stock, and all accumulations of the dividends of the stock in which such money shall be invested, and of the dividends or interest on such stock or securities as aforesaid, from time to time, in the like matter, without any special Order made by the Court in that behalf, and without any formal request for that purpose: Provided always, that where at any time a request in writing, by or on behalf of any party claiming to be entitled, that such investment be discontinued, is left with the Master, he shall be at liberty to cease making any further investment in the matter of the particular trust, until the Court shall have made some Order in that behalf.

4.—The trustee having made the payment, transfer, or deposit, shall forthwith give notice thereof, to the several persons named in his affidavit as interested in or entitled to the fund.

5.—Such persons, or any of them, or the trustee, may apply by petition or motion, as occasion may require, respecting the investment, payment out, or distribution of the fund, or of the dividends or interest thereof.

6.—The trustee shall be served with notice of any application made to the Court respecting the fund, or the dividends or interest thereof, by any person interested therein or entitled thereto.

7.—The persons interested in or entitled to the fund, shall be served with notice of any application made by the trustee to the Court, respecting the fund in Court, or the interest or dividends thereof.

8.—No petition shall be set down to be heard, and no motion made, until the petitioner or applicant has first named in his petition, or notice of motion, a place where he may be served with any petition or notice of any proceeding or Order of the Court, relating to the Trust Fund.

9.—Petitions presented, and notices of motion served, and affidavits filed, and all proceedings had under the said Act, shall be entitled in the matter of the particular trust, and in the matter of the Act, 21 Victoria, No. 7.

New.

10.—Whenever the accounts of any guardian, receiver, or committee, or any trustee appointed by the Court, are not brought into the Master's Office, or are not proceeded with and completed, in the manner and within the time respectively prescribed in that behalf,—or whenever any party or solicitor has omitted duly to prosecute and enforce the matter, or to bring the case before the Court, within a time limited by the Master for that purpose,—the Master may commit to the Crown Solicitor the conduct of such matter, and direct him to bring the case before the Court.

11.—Any Order made, or direction given, by the Master in such matters, may be discharged or varied by the Court; and the costs in every such matter shall be in the discretion of the Court, and shall be paid by such person, or out of such fund as the Court shall direct.

II.—Act 26 Victoria, No. 12.

From Orders of
20 March, 1860.

12.—All petitions, summonses, statements, affidavits, and other proceedings, under the 30th section of the last mentioned Act, shall be intituled in the matter of the particular trust, will, or administration, and in the matter of the Act 26 Victoria, No. 12; and every such petition or statement shall state the facts concisely, and shall be divided into paragraphs numbered consecutively; and every summons shall, as nearly as may be, and except as to its title, be similar to the form set out in Schedule F.

13.—At the time when any such summons is issued, the statement upon which the same is grounded shall be filed in the Master's Office.

14.—Every such petition or summons shall be served eight clear days before the hearing thereof, unless the person served shall consent to a shorter time.

15.—

15.—The opinion, advice, or direction of the Judge shall be passed and entered, and remain of record, in the same manner as any Order made by the Court or Judge; and the same shall be termed “a judicial opinion,” or “judicial advice,” or “judicial direction,” as the case may be.

16.—Cash under the control of the Court may be invested in Government Securities, and upon Mortgages of Freehold Estates within the Colony. And any Petition, for the conversion of any such investment into any other Security or Mortgage, shall be served upon such person and in such manner as the Court shall direct. From Orders of
1 February, 1861.

CHAPTER XXXII.

MISCELLANEOUS POINTS.

I.—*Election.*

1.—In all cases in which it is alleged that the plaintiff is prosecuting the defendant in this Court, and also at law, for the same matter, the defendant, eight days after filing his Answer, or further Answer, to the plaintiff's Bill, shall be entitled, as of course, on motion or petition, to the usual Order for the plaintiff to make his election in which Court he will proceed, with the usual directions in that behalf, unless the plaintiff shall previously have delivered Exceptions to the defendant's Answer, or have referred his further Answer on former exceptions. From Order of
9th May, 1839.

2.—In case the plaintiff shall have delivered such Exceptions, or referred the defendant's further Answer within such time, the defendant shall be at liberty, by notice in writing served on the plaintiff, to require the plaintiff to procure the Master's Report on such Exceptions, within four days from the service of such notice; and if the plaintiff, being so served with such notice, shall not procure the Master's Report in four days accordingly, or if the Exceptions shall not be allowed, the defendant shall then be entitled, as of course, on motion or petition, to the usual Order for the plaintiff to elect in which Court he will proceed, with the usual directions. Same.

3.—A defendant, from whom an Answer is not required, alleging that the plaintiff is prosecuting him in this Court, and also at law, for the same matter, may, upon the expiration of the time within which he might have been served with Interrogatories for his examination in answer to such Bill, obtain, as of course, on motion or petition, the usual Order for the plaintiff to make his election in which Court he will proceed. Order of 1860.

4.—In cases referred to in these Rules, the plaintiff may move to discharge the Order, on the merits confessed in the Answer, or, if necessary, appearing by affidavit. Order of 8 May,
1845.

II.—*Interest.*

5.—Where a Decree or Order is made, directing an account of the debts of a deceased person, unless otherwise ordered, interest shall be computed on such debts, as to such of them as carry interest, after the rate they respectively carry, and as to all others, after the rate of eight per cent. per annum, from the date of the Decree or Order. Order of 16
October, 1852.

6.—A creditor whose debt does not carry interest, who comes in and establishes the same under a Decree or Order of the Court, shall be entitled to interest upon his debt, at the rate of eight per cent. per annum, from the date of the Decree or Order, out of any assets which may remain, after satisfying the costs of the suit, the debts established, and the interest of such debts as by law carry interest. Order of 26
August, 1841.

7.—Where a Decree or Order is made, directing an account of legacies, interest shall be computed on such legacies, after the rate of eight per cent. per annum, from the end of one year after the testator's death, unless otherwise ordered; or unless any other time of payment or rate of interest is directed by the Will, and in that case according to the Will. Order of 16
October, 1852.

SCHEDULES.

A.

(Referred to in Rule 2 of Chapter IV.)

FORM OF BILL.

In the Supreme Court
of New South Wales. }
In Equity.

Between John Lee, Plaintiff.
and
James Styles }
and } Defendants.
Henry Jones, }

To the Honorable Sir Alfred Stephen Knight, Companion of the Bath, Chief Justice, and the Honorable Samuel Frederick Milford and Edward Wisc, Esquires, Puisne Judges of the Supreme Court of New South Wales.

HUMBLY complaining, John Lee, of George-street, in the City of Sydney, in the Colony of New South Wales, Esquire, the abovenamed plaintiff, sheweth unto their Honors as follows:—

1. The defendant, James Styles, being seised in fee simple of a farm called Blackacre, in the parish of A, in the county of B, with the appurtenances, did, by an Indenture dated the 1st of May, 1850, and made between the defendant James Styles of the one part, and the plaintiff of the other part, grant and convey the said farm, with the appurtenances, unto and to the use of the plaintiff, his heirs and assigns, subject to a proviso for redemption thereof, in case the defendant, James Styles, his heirs, executors, administrators, or assigns, should, on the 1st of May, 1851, pay to the plaintiff, his executors, administrators, or assigns, the sum of £5,000, with interest thereon at the rate of £5 per centum per annum, as by the said Indenture will appear.

2. The whole of the said sum of £5,000, together with interest thereon at the rate aforesaid, is now due to the plaintiff.

3. The defendant Henry Jones claims to have some charge upon the farm and premises comprised in the said Indenture of Mortgage, which charge is subsequent to the plaintiff's said Mortgage.

4. The plaintiff has frequently applied to the defendants, James Styles and Henry Jones, and required them either to pay the said Mortgage debt and interest or else to release the Equity of Redemption of the premises, but they have refused so to do.

5. The defendants, James Styles and Henry Jones, pretend that there are some other Mortgages, charges, or incumbrances affecting the premises, but they refuse to discover the particulars thereof.

6. There are divers valuable timber and timber-like trees growing and standing on the farm and lands comprised in the Indenture of Mortgage of the 1st of May, 1850, which trees and timber are a material part of the plaintiff's said security; and if the same or any of them were felled and taken away, the said mortgaged premises would be an insufficient security to the plaintiff for the money due thereon.

7. The defendant, James Styles, who is in possession of the said farm, has marked for felling a large quantity of the said trees, and he has by hand-bills, published on the 2nd of December instant, announced the same for sale, and he threatens and intends forthwith to cut down and dispose of a considerable quantity of the said trees on the said farm.

The plaintiff therefore humbly prays as follows:—

1. That an account may be taken of what is due for principal and interest on the said Mortgage.
2. That the defendants, James Styles and Henry Jones, may be decreed to pay to the plaintiff the amount which shall be so found due, together with his costs of this suit, by a short day to be appointed for that purpose; or, in default thereof, that the defendants, James Styles and Henry Jones, and all persons claiming under them, may be absolutely foreclosed of all right and Equity of Redemption in or to the said mortgaged premises.
3. That the defendant, James Styles, may be restrained by the Injunction of this Honorable Court from felling, cutting, or disposing of any of the timber or timber-like trees now standing or growing in or upon the said farm and premises comprised in the said Indenture of Mortgage or any part thereof.
4. That the plaintiff may have such further or other relief as the nature of the case may require.

M. M.,
Counsel of Plaintiff.

NOTE.—This Bill is filed by Messrs. B. & Co., 281, George-street, Sydney, Solicitors for the above-named plaintiff.

B.

(Referred to in Rule 1 of Chapter VI.)

FORM OF INTERROGATORIES.

In the Supreme Court
of New South Wales. }
In Equity.

Between John Lee, Plaintiff.
and
James Styles }
and } Defendants.
Henry Jones, }

Interrogatories for the examination of the above-named defendants, in answer to the plaintiff's Bill of Complaint.

1. Does not the defendant Henry Jones claim to have some charge upon the farm and premises comprised in the Indenture of Mortgage of the 1st of May, 1850, in the plaintiff's bill mentined?
2. What are the particulars of such charge, if any, the date, nature, and short effect of the security, and what is due thereon?

3.

3. Are or is there any other Mortgages or Mortgage, charges or charge, incumbrances or incumbrance, in any and what manner, affecting the aforesaid premises or any part thereof?
4. Set forth the particulars of such Mortgages or Mortgage, charges or charge, incumbrances or incumbrance; the date, nature, and short effect of the security; what is now due thereon; and who is or are entitled thereto respectively; and when, and by whom, and in what manner every such Mortgage or incumbrance, was created.
5. Are there not divers valuable, &c., &c.?

MEMORANDUM.—

The defendant, James Styles, is required to answer all these interrogatories.

The defendant, Henry Jones, is required to answer the interrogatories numbered 1 and 3.

Y. Y.,
Counsel for Plaintiff.

C.

(Referred to in Rule 1 A of Chapter X.)

FORM OF ANSWER.

In the Supreme Court
of New South Wales. }
In Equity. }

Between John Lee, Plaintiff,
and
James Styles }
and } Defendants.
Henry Jones, }

The answer of James Styles, one of the above-named defendants, to the Bill of Complaint of the above-named plaintiff.

In answer to the said Bill, I, James Styles, do on my oath say as follows:—

1. I believe that the defendant, Henry Jones, does claim to have a charge upon the farm and premises comprised in the Indenture of Mortgage of the 1st of May, 1850, in the plaintiff's bill mentioned.
2. Such charge was created by an Indenture dated the 1st of November, 1850, between myself of the one part, and the said defendant, Henry Jones, of the other part, whereby I granted and conveyed the said farm and premises (subject to the Mortgage made by the said Indenture of the 1st of May, 1850,) unto the defendant, Henry Jones, for securing the sum of £20,000, and interest at the rate of £5 per centum per annum, and the amount due thereon is the said sum of £2,000, with interest thereon from the date of such Mortgage.
3. To the best of my knowledge, remembrance, and belief, there is not any other Mortgage, charge, or incumbrance, affecting the aforesaid premises.

JAMES STYLES,
S.W.
Counsel for Defendant.

This answer was sworn by the above-named James Styles, at Sydney, this 15th day of August, 1863, before me,

G. H. D.,
Master in Equity.

D.

(Referred to in Rule 24 of Chapter XVIII.)

FORM OF ORDERING ACCOUNTS AND INQUIRIES.

His Honor [This Court] doth order [and decree] that the following accounts and inquiries be taken and made by the Master in Equity of this Honorable Court, that is to say:—

1. An account of the personal estate not specifically bequeathed of A.B., deceased, the testator in the pleadings named, come to the hands, &c.
2. An account of the testator's debts.
3. An account of the testator's funeral expenses.
4. An account of the testator's legacies and annuities (if any) by the testator's Will.
5. An inquiry what parts (if any) of the testator's said personal estate are outstanding or undisposed of.

And it is ordered that the testator's personal estate, not specifically bequeathed, be applied in payment of his debts and funeral expenses, in a due course of administration, and then in payment of the legacies and annuities (if any) given by his Will.

(If Ordered.)

And it is ordered that the following further accounts and inquiries be taken as aforesaid, that is to say:—

6. An inquiry what real estate the testator was seized of, or entitled to, at the time of his death.
7. An account of the rents and profits of the testator's real estate received by, &c.
8. An inquiry what incumbrances (if any) affect the testator's real estate, or any and what parts thereof.

(If sale ordered.)

9. An account of what is due to such of the incumbrancers as shall consent to the sale hereinafter directed in respect of their incumbrances.
10. An inquiry what are the priorities of such last mentioned incumbrances.
11. And it is ordered that the testator's real estate be sold, with the approbation of the Master, &c., &c.

And it is ordered that the consideration of all further directions and costs be reserved, and any of the parties are to be at liberty to apply as they may be advised.

E.

(Referred to in Rule 5 of Chapter XXVII.)

FORM OF SUMMONS IN CHAMBERS.

Under Sections 36 and 34 of Act 17 Victoria, No. 7.

In the Supreme Court }
of New South Wales. }
In Equity. }

In the matter of the Estate of John Thomas, deceased.

UPON the application of Joseph Wilson, of A, in the County of B, Esquire, who claims to be a Creditor upon the Estate of the above-named John Thomas, let William Jackson, the Executor of the said John Thomas, attend at my Chambers, in King-street, Sydney, on Monday, the 3rd day of June next, at ten in the forenoon, and shew cause, if he can, why an order should not be granted by the Supreme Court for the administration of the personal Estate of the said John Thomas.—Dated this 10th day of May, 1863.

S. F. M.,
Primary Judge in Equity.

NOTE.—If the above-named William Jackson does not attend in person, or by his Solicitor, at the time and place above mentioned, such Order will be made in his absence as the Judge may think just.

G. H. D.,
Master in Equity.

This Summons was taken out by Mr. B. K., of Pitt-street, Sydney, Solicitor for the above-named Joseph Wilson.

F.

(Referred to in Rule 12 of Chapter XXXII.)

FORM OF SUMMONS IN CHAMBERS.

Under Sec. 30 of Act 26 Vict., No. 12.

In the Supreme Court }
of New South Wales. }
In Equity. }

In the matter of the Trust [Will or Administration]
of and the matter of the Act
26 Vict., No. 12.

LET all parties concerned attend at my Chambers, Supreme Court, King-street, Sydney, on Tuesday the 3rd day of September next, at 10 o'clock in the forenoon, on the hearing of an application on the part of [*here state on whose behalf the application is made, and the precise object of the application.*]

Dated this 13th day of August, 1863.

S. F. M.,
Primary Judge in Equity.

NOTE.—If you do not attend, either in person or by Solicitor, at the time and place above mentioned, such Order will be made, and proceedings taken, in his absence, as the Judge may think just.

G. H. D.,
Master in Equity.

This Summons was taken out by Mr. B. K., of Pitt-street, Sydney, Solicitor for the above-named applicant.

ALFRED STEPHEN, C.J.
SAML. FREDK. MILFORD.
EDWARD WISE.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RULES OF COURT.

Ordered by the Legislative Assembly to be Printed, 18 March, 1864.

GENERAL RULES of Court now in force, made and promulgated by their Honors the Judges of the Supreme Court.

New South Wales.

RULES IN INSOLVENCY.

Tuesday, the 21st day of January, 1862.

GENERAL REPEAL OF RULES.

IN pursuance of the powers and authorities vested in the Judges of the Supreme Court, and in the Chief Commissioner of Insolvent Estates, respectively, by the Act 5 Victoria, No. 17, and the several Acts passed for amending the same, or some or one of them, all the existing General Rules in Insolvency are hereby repealed, and the following established in lieu thereof—to take effect on the 1st day of February next.

SITTINGS.

1. The Supreme Court will sit to hear Appeals, and such other applications as Supreme Court may be brought before it, from time to time, as may be appointed.

2. The Chief Commissioner will sit in Chambers at 10.30 a.m. on every day, to dispose of formal matters, and to receive Petitions for Sequestration; and will sit in the Court Room at 11 a.m. on Mondays to take Examinations; on Tuesdays to hear applications for Certificates; on Wednesdays and Fridays for Meetings of Creditors and Proof of Debts; and on Thursdays for General Motions. Appointments may also be had from the Chief Clerk, for Meetings of Creditors and Proof of Debts, on Mondays, Tuesdays, and Thursdays, either before the Chief Commissioner, or the Registrar, as the former may direct.

3. Provided always that nothing in the preceding Rule shall prevent the taking of Insolvency Business by the Chief Commissioner at other times, if he shall think fit.

REGISTRAR.

4. In addition to the duties specified in the Act 25th Vic., No. 8, the Registrar shall attend the Sittings of the Supreme Court on the hearing of Appeals, and the Sittings of the Chief Commissioner, when required, and perform all the duties of Registrar thereat.

5. He shall draw up and issue all Summonses, Rules, Orders, and Certificates granted or made in Insolvency; and all papers used or to be used before the Supreme Court, or Chief Commissioner, shall be filed in the Office of the Registrar, and kept for reference amongst the proceedings in the Estate to which they may relate.

Analysis of
Accounts and
Plans Half-
yearly.

6. In the month of January, and similarly in the month of July, in each year, the Registrar shall prepare and publish in the *Gazette*, an Analysis of the several Accounts Current, and Plans of Distribution filed by the Official Assignees, and allowed by the Chief Commissioner, during the previous six months, shewing as to each Estate, in separate columns, the several particulars mentioned in the Appendix to these Rules.

CHIEF CLERK.

Notices.

7. The Chief Clerk shall have notice of all applications to the Supreme Court, and of all applications (other than formal Motions) to the Chief Commissioner, twenty-four hours previously at the least; and where, in any application, reference shall be required to any proceeding, notice thereof shall be given to the Chief Clerk, on the day previous.

8. Immediately after the sequestration of an Estate, the Chief Clerk shall communicate to the Insolvent, personally, or by the General Post, Nos. 16 to 26 of these Rules, together with the name and address of his Official Assignee, and the days, or single day, fixed for the Creditors to meet before the Chief Commissioner; and shall specify the day on which the Insolvent will be required to attend, to account for his Insolvency. The Chief Clerk shall at the same time communicate to the Official Assignee that he has been appointed.

Plans of Distri-
bution in
Arrear.

9. At the first sitting of the Chief Commissioner in each month, a list shall be presented by the Chief Clerk of all Estates six months or more under sequestration, in which no Account Current and Plan of Distribution have been filed, or further time given for that purpose; and the Assignee in every such Estate shall, on notice, either procure an extension of time from the Chief Commissioner, within one week, or shew cause to him why the Account and Plan have not been filed.

OFFICIAL ASSIGNEES.

Taxation of
Costs.

10. The Official Assignees shall either personally, or by some person authorized by them, attend before the Registrar, on the taxation of all costs relating to Estates committed to their charge; and no costs shall be allowed until taxed by the Registrar.

Sales by Private
Contract.

11. The particulars of every Agreement for sale by Private Contract, exceeding £50, and of the circumstances attending the same, shall be submitted in writing to the Chief Commissioner, for his approval, by the Official Assignee.

Meetings of
Creditors.

12. Advertisements calling Meetings of Creditors for any purpose, shall specify that purpose distinctly and particularly.

Payments to
Treasury. 20
Vict., No. 11.

13. On the 5th day of January, April, July, and October in every year, or on the next day, if the 5th be a Sunday or a Holiday, the Official Assignees shall deposit in the Treasury the moneys which were in their hands, as such, on the last day of the preceding month.

Quarterly
Return—
Receipts and
Payments.

14. The Official Assignees shall on the same days deliver to the Chief Commissioner, a list of all Estates in which money has been collected, or received, or paid by them, severally, during the previous three months, including all sums received from the Treasury—shewing the gross amount collected or received in each Estate during that period, and the several sums paid or retained therein, under the separate heads following;—that is to say—Auction Charges; Court Fees; Allowances to Insolvents; Rents and other such Expenses; Law Costs; Assignees Commission; Paid to Creditors; and Amount deposited in the Treasury, or unappropriated.

Unclaimed
Dividends. 17
Vict., No. 17, s.
2.

15. The Official Assignees shall in the first week in January in each year, furnish to the Chief Commissioner a Return, shewing all moneys which on the last day of the preceding year were in their hands, or under their control, respectively, as such Assignees, or which stood deposited by them in the Treasury, arising either from unclaimed or unpaid Dividends due to Creditors, or from moneys which (owing to whatever cause) on that day remain undivided amongst or unpaid to Creditors; and specifying which of those moneys have remained unclaimed, or unappropriated, for the space of three years prior to that day.

INSOLVENTS.

Change of Abode.

16. Whenever an Insolvent changes his abode (as stated in the Petition for Sequestration) he shall give or send to his Official Assignee a Memorandum, stating truly the place of his new abode.

Filing of
Insolvent's
Schedule.

17. Where no Schedule of an Insolvent's Assets and Liabilities is sworn before the Order for Sequestration, he shall within four days afterwards (or within such extended time as the Chief Commissioner shall allow), cause such a Schedule to be delivered to the Registrar, or filed in his Office, duly sworn to, together with a Balance Sheet, shewing truly the state of his affairs, on a comparison of such Assets and Liabilities.

Contents of
Schedule.

18. Every Insolvent's Schedule, whensoever filed, shall contain four Parts, and a Balance Sheet, each of which shall be signed by the Insolvent; and there shall be annexed thereto an Affidavit verifying the same.

Insolvent unable
to write.

19. Where the Insolvent appears to be unable to write, there shall be subjoined to the Schedule, at the foot of each part thereof, a Certificate under the hand of the Commissioner swearing the party thereto, that the contents were previously read over and explained to the Deponent, and that he appeared to understand the same.

Sales, &c.,
within sixty
days before
Insolvency.

20. Within ten days after the Sequestration of his Estate (or within such extended time as the Chief Commissioner shall allow), the Insolvent shall deliver to the Official Assignee, being first duly sworn to its truth, a statement in writing of all property of every kind, including negotiable bills and notes disposed of by him, within sixty days preceding the Sequestration, by sale, assignment, pledge, deposit, or in any other manner,

or

RULES OF COURT.

3

or by him delivered to any person within that period, for any purpose, to an amount in value exceeding ten pounds at one time, with the date and purpose of every such transaction, and the consideration for the same, and by whom paid or given respectively.

21. The Insolvent's Schedule shall be produced at the Second Meeting of his Creditors (or where there is only one Meeting, then at such one Meeting); and he shall be asked whether his Schedule is correct, or whether he desires to amend the same in any particular; and if he then desires to amend it, he shall be permitted to do so. Production of Schedule at Meeting.

22. If the Official Assignee shall, in any case, think fit at or before such Meeting to require a Supplementary Schedule, the Insolvent shall, within ten days after having been so required (or within such extended time as the Chief Commissioner shall allow) make out and file in the Office of the Registrar a Supplementary Schedule, shewing the transactions of the Insolvent for the last six months, or (with the assent of the Chief Commissioner) for the last twelve months preceding the Sequestration; and the Insolvent shall sign such Schedule, and annex thereto an Affidavit that the contents are true, in every particular, to the best of his knowledge and belief. Supplementary Schedule in certain cases.

23. Every such Supplementary Schedule shall contain the following particulars, for the period of six or twelve months required, that is to say—First, an account of all sums received by the Insolvent, or any one, for his use, and when in particular, and from whom, and for what consideration; and an account of all sums paid by him, or by his order, and when in particular, and to whom, and for what purpose and consideration; Secondly, an account of all property of every kind parted with by the Insolvent, and when in particular, and how, and to whom, and for what consideration: Provided that in respect of property disposed of, and sums of money received in the ordinary course of trade (not exceeding ten pounds at one time, in amount or value), it shall be sufficient to shew the gross amount of the sales and receipts of each week only; and in respect of sums expended in housekeeping, to shew the weekly amount of the sums so expended. Contents of Supplementary Schedule.

24. Before any Order shall be made for the discharge of an Insolvent imprisoned for debt, he shall be examined before a Commissioner for Affidavits, as to the nature and particulars of the detaining Creditor's debt, and the time when, and the circumstances under which it was contracted, and also as to the Insolvent's ability to have paid the same, and the cause of its non-payment, and as to whether he has put such Creditor in respect thereof to any unjustifiable expense; and the Examination shall be transmitted to the Registrar. Examination of Insolvent in Custody.

25. If the Insolvent knows the place of abode of such creditor, or there is endorsed on the detaining Writ or Warrant a memorandum thereof, or of the address of the Attorney issuing such Writ, the Insolvent shall cause reasonable notice (through the Post or otherwise) to be given to such Creditor or Attorney, of the day appointed for such Examination, in order that the Creditor or Attorney may be present, if he think fit, and take part therein. Notice to Detaining Creditor.

26. No motion shall be made for the release of an Estate from Sequestration, unless notice thereof shall have been given to the Chief Clerk and Official Assignee, and also published in the *Gazette*, and twice in some Sydney daily newspaper, eight days at the least before such motion made. Release of Estate from Sequestration.

PROOF OF DEBTS.

27. Any Creditor may deliver to the Registrar, or send to him through the Post, two clear days prior to the holding of any Meeting for Proof of Debts, an Affidavit stating the nature and particulars of his demand, according to a Form prescribed; and if the same be not objected to at the Meeting, by any admitted Creditor, or by the Insolvent or Official Assignee, or if an objection be made and overruled, the Chief Commissioner or Registrar may, if he shall think fit, allow such demand as proved: Provided that no proof shall be allowed until the prescribed fee has been paid. How made.

CERTIFICATES.

28. Any Creditor intending to oppose the granting of an Insolvent's Certificate, shall lodge with the Chief Clerk, a notice in writing of his intention to do so, three clear days before the Meeting, which Notice shall state specifically the grounds of the intended opposition, with reasonable certainty as to the particular transaction or matter referred to: Provided that any such specification may be amended, at any time, by leave of the Chief Commissioner, on such terms as he shall think fit. Notice of Opposition.

29. The several printed forms in Insolvency, of Petition and Schedule, Orders (*Nisi* and Absolute) for Sequestration, Warrants, Summonses, Advertisements, Affidavit of Debt and Certificates, now in use, or which may hereafter be settled by the Chief Commissioner, shall as far as possible be the Forms used in practice before the Chief Commissioner. Printed Forms.

APPEALS.

30. When any Insolvent, Assignee, Creditor, or other person, affected by any Order or Decision of the Chief Commissioner, desires to appeal therefrom, he shall within ten days after the making or pronouncing thereof, file in the Office of the Registrar a Memorandum of such Appeal, signed by the Party appealing or his Solicitor; which Memorandum, after specifying the Order or Decision, in substance, shall state shortly the particular matter complained of therein, and the grounds of such complaint. Mode of Appeal.

31. Provided that nothing in the last preceding rule, as to the *time* of appealing, shall apply to Appeals from the granting, suspension, or refusal of an Insolvent's Certificate. And provided that, in other cases, leave to file such Memorandum of Appeal may be granted by the Court, or a Judge, either during or after the expiration of the ten days limited, on such terms as may be thought proper. Further Provisions as to Time.

Deposit to meet Costs. 32. At the time of filing such Memorandum, or within such further time as the Chief Commissioner may allow, the Appellant shall deposit £20 with the Registrar, or such other amount (not less than £10 nor more than £40) as the Chief Commissioner may direct, to satisfy so far as it will extend any Costs which may be awarded against such Appellant. And if it shall appear to the Chief Commissioner that there are Respondents in separate interests, he may order a separate deposit in respect of each or any of such interests.

Discretion, if Insolvent appeal. Proceedings when stayed. 33. Provided that, in the case of an Appeal by the Insolvent, the Chief Commissioner may dispense with any such Deposit, if he thinks fit so to do.

34. No proceedings consequent on any Order or Decision appealed from shall be stayed, notwithstanding any such Memorandum and Deposit, unless the Chief Commissioner shall, on such terms as may by him be thought just, direct proceedings to be stayed. Provided that where no such direction is given, and the matter appealed from involves the payment of money, or the delivery of any chattel or document, the Party to receive such money or chattel or document shall give sufficient security for the return thereof, in case a return shall be awarded.

Additional Evidence. 35. No evidence shall be used on the hearing of an Appeal, other than such as was used before the Chief Commissioner; unless the Court shall, on such Hearing (or on the application of one of the Parties before the day of Hearing), on such terms as it may think just, direct or allow other evidence to be used, or additional evidence to be taken and used, or any person examined before the Chief Commissioner to appear and be examined before the Court, as the case may appear to the Court to require.

Disputes as to Evidence. 36. Whenever any question shall arise, as to what evidence was used before the Chief Commissioner, it shall be determined exclusively by his Certificate. And, where the Parties to an Appeal shall think fit so to do, the facts may be stated, with the question or questions for Decision, in the form of a Special Case, to be approved of by the Chief Commissioner.

Application of Rules. 37. These Rules shall apply to all cases of Appeal, or cases in the nature of an Appeal, from any Order, Judgment, or Decision, of or by the Chief Commissioner, which a Party may, under the Acts hereinbefore mentioned, or one of them, be entitled to bring before the Court, or a Judge, by way of Complaint, Review, or otherwise. And in cases of Appeal to a Judge, where allowed, the word "Court," in the 35th Rule, shall apply exclusively to a Judge.

APPENDIX.

- Analysis of Plans of Distribution.
1. Gross amount of Assets realized.
 2. Amount of Allowances to the Insolvent.
 3. Estimated Value of Furniture, or other Chattels, permitted to be retained by the Insolvent.
 4. Amount expended in Costs, and sums paid to Witnesses.
 5. Fees of Court in the Insolvency Jurisdiction.
 6. Sums paid to Auctioneers.
 7. Amount of other Incidental Expenses, including sums paid to Special Messengers and other Parties.
 8. Amount of Remuneration allowed the Assignees.
 9. Sums paid to Secured or preferred Creditors, including all sums paid for the release or surrender of Property.
 10. Amount paid to unsecured or Concurrent Creditors.
 11. Amount of Balance undisposed of.

ALFRED STEPHEN, C.J.
SAML. FREDK. MILFORD, J.
EDWARD WISE, J.
ALFRED M'FARLAND, C.C.

Supreme Court, New South Wales.

Wednesday, the 3rd day of June, 1863.

THE Rule No. 4, of the 12th day of April, 1856, respecting Writs of Summons in Actions, is hereby directed to be amended, by the insertion of the words "*or Queensland*," after the word "*Victoria*" therein.

ALFRED STEPHEN.
SAML. FREDK. MILFORD.
EDWD. WISE.

In the Supreme Court of New South Wales.

REGULÉ GENERALES.

Thursday, the 30th day of July, 1863.

No person who has been suspended from practising as an Attorney of this Court, or who has been struck off the Rolls, shall, during the period of his suspension or being off the Rolls, be allowed to be heard in any proceeding in this Court as Clerk to any Attorney.

ALFRED STEPHEN.
SAML. FREDK. MILFORD.
EDWARD WISE.

RULES OF COURT.

5

In the Supreme Court of New South Wales.
Wednesday, the 16th day of December, 1863.

For the purpose of delivering Judgment in any Cause or Matter at Law or in Equity, the Sitting of two Judges in open Court, on any day of which Notice has been published in the usual manner, or given by the Master or Prothonotary to the parties, shall be taken to be a Sitting of the Court as in Banco; and every such judgment may be entered accordingly as if it had been delivered by the Court in Term.

ALFRED STEPHEN.
SAML. FREDK. MILFORD.
EDWARD WISE.

In the Supreme Court of New South Wales.
Tuesday, the 7th day of December, 1863.

REGULÆ GENERALES.

1. The Terms and Sittings of the Court for Causes, and the Gaol Delivery at Arrangements
Darlinghurst, and for the hearing of Equity and Insolvency Appeals, shall, during the for 1864.
year 1864, be holden respectively on the days hereinafter mentioned. The Holidays to be observed in the Court shall be those mentioned in the Law Calendar for that year.
2. The Terms will commence severally on Monday, the 29th day of February, the Terms.
6th day of June, the 29th day of August, and the 28th day of November; and will end respectively on the fourth Saturday following; excepting the Fourth Term, which will end on the third Saturday following.
3. On the first four days of Term (after such motions on the first day as are then Rules Nisi for
usually taken), Rules Nisi for a New Trial will have precedence of all other business. New Trial.
4. On every succeeding Monday, Wednesday, and Thursday in Term, the like New Trial
Motions, and Motions to make any such Rule absolute, will have precedence. Motions.
5. On every Tuesday and Friday in Term (except the first Tuesday) Criminal Tuesdays and
and Crown cases will have precedence;—secondly, Motions, other than as aforesaid; and Fridays.
lastly, Demurrers and Special Cases in Civil matters.
6. The Primary Equity Judge will sit on every such Tuesday and Friday at 11 Equity and
o'clock; on the former day for Equity, and on the latter for Ecclesiastical matters, and Ecclesiastical.
such others as by the 22 Vic., No. 14, may be taken by one Judge only. After disposal of which, he will sit in Equity.
7. The Primary Judge will sit at the same hour on every Tuesday, Wednesday, The like out
and Friday, out of Term; on the two former days for Equity only, and on Friday for all of Term.
such matters as last aforesaid, and then Equity.
8. Appeals in Equity shall be set down for the last Monday in each Term, and Equity Appeals.
have precedence on that day and the three following days.
9. Appeals in Insolvency matters shall be set down for and heard on Friday, the Insolvency
26th day of February, the 6th day of May, 3rd day of June, 26th day of August, and Appeals.
25th day of November.
10. Appeals in Equity and Insolvency will be heard, also, on such additional days Special days
as the Judges shall from time to time appoint. for Appeals.
11. Schedules of Fines and Estreated Recognizances shall be returnable on some Fines and
Friday in Term, at 11 o'clock; to be then heard before one Judge only. Estreats.
12. Chamber Business will be taken on Tuesdays and Fridays, at 10 o'clock; in Chamber
Term and out of Term alike. Provided that a Summons may be returnable on any other Business.
day, by order of a Judge.
13. The January Vacation shall continue as at present. The July Vacation will Vacations.
commence on the 11th and end on the 30th day of that month.
14. No business will be taken during those Vacations, other than such as is Business in
specified by the Standing Rules. Summonses will be returnable in Chambers, in cases Vacation.
of emergency, on any Friday.
15. The sittings for Causes will commence on Monday, the 1st day of February, Sittings for
the 9th day of May, the 1st day of August, and the 31st day of October; and will end Causes.
respectively on the fourth Thursday following.
16. Common Jury Causes only shall be set down for that Thursday, in the Jury Common Juries.
Court. But, after their disposal, or if there be none entered, Causes for trial by Juries
of Four may be taken.
17. The first fortnight of each Sittings, in that Court, is reserved for the trial of Special Juries.
Causes by Special Juries of Twelve. But no such Cause shall be set down, without
leave of a Judge, except on one of the first three days.
18. Every such Cause, the trial of which has not commenced within that fort- Special Jury
night, shall go over as a Remanet. Provided that a Judge may allow any such Cause to Remanets.
be taken after that time, and before the following Wednesday.
19. No Cause, for trial in the Jury Court by a Jury of Four, shall be set down Juries of Four.
in that Court for any day of the Sittings earlier than Wednesday in the third week.
20. Causes, on the list of either Court, may be transferred to the list of the other Transferring
(for those Sittings only) by order of two Judges, for trial on any day not earlier than Causes.
two clear days following—and not being before the day for which the Cause was first
entered.
21. Remanets from any Sitting will have precedence over other causes; and shall Remanets
be set down by the Prothonotary, each according to its appropriate list, and the class of generally.
Jury to which it belongs, for the next Sittings.

22.

RULES OF COURT.

-
- Saturdays. 22. There will be no Sitting of the Court in Sydney, in any branch of its jurisdiction (except for the trial of Prisoners, and excepting the last day of Term,) on any Saturday.
- Proviso. 23. Provided that any Argument or Trial, not concluded on Friday, may be continued on the next day, if the Court or Presiding Judge shall think fit.
- Sydney Criminal Sessions. 24. The Sessions of Gaol Delivery at Darlinghurst shall commence severally on Monday, the 4th day of July, and 19th day of December; and on Thursday, the 31st day of March, and 29th day of September.
- Causes on Circuit. 25. Causes for trial on Circuit shall be entered severally, at each Town, for Friday in the first week of the Sittings.

ALFRED STEPHEN, C.J.
SAML. FREDK. MILFORD.
EDWARD WISE.

In the Supreme Court of New South Wales.

Wednesday, the 2nd day of March, A.D. 1864.

THE Officers and Persons hereunder mentioned are hereby appointed Examiners for conducting the Examination, during the present year, of Clerks seeking admission to practise as Attorneys; that is to say—The Master in Equity; William Charles Windeyer, Esquire, Barrister-at-Law; and William Barker and Eyre Goulburn Ellis, Attorneys and Solicitors.

ALFRED STEPHEN.
SAML. FREDK. MILFORD.
EDWARD WISE.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

WILLS.

(RETURN RELATIVE TO WILLS PROVED, AND ADMINISTRATIONS GRANTED, IN 1860, 1861, 1862, AND FIRST HALF OF 1863.)

Ordered by the Legislative Assembly to be Printed, 29 December, 1863.

- (1.) A RETURN of the number of Wills proved in the Supreme Court, in the years 1860, 1861, 1862, and the first half of the year 1863, and the amount of personalty sworn to respectively.

YEAR.	NO. OF WILLS PROVED.	AMOUNT OF PERSONALTY SWORN TO.
1860	229	500,030
1861	179	620,690
1862	205	572,816
To June, 1863	91	273,306

- (2.) THE number of Administrations granted during the same period, and the amount sworn to.

YEAR.	NO. OF ADMINISTRATIONS GRANTED.	AMOUNT OF PERSONALTY SWORN TO.
1860	147	220,632
1861	113	76,077
1862	97	155,752
To June, 1863	59	33,120

- (3.) TOTAL amount of Fees paid.

YEAR.	AMOUNT PAID.
1860	£ s. d. 463 10 10
1861	363 16 10
1862	349 14 4
To June, 1863	204 11 2

*Supreme Court Office,
29th December, 1863.*

D. B. HUTCHINSON,
Prothonotary.

1863-4.

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

—
WILLS.

(FURTHER RETURN RELATIVE TO WILLS PROVED, AND ADMINISTRATIONS GRANTED, IN 1860, 1861, 1862,
 AND 1863.)

—
Ordered by the Legislative Assembly to be Printed, 5 January, 1864.
 —

- (1.) A RETURN of the number of Wills proved in the Supreme Court, from the 30th day of June to the 29th day of December, 1863, and the amount of personalty sworn to respectively.

NUMBER OF WILLS PROVED.	AMOUNT OF PERSONALTY SWORN TO.
115	£ 257,511

- (2.) THE number of Administrations granted during the same period, and the amount sworn to.

NUMBER OF ADMINISTRATIONS GRANTED.	AMOUNT OF PERSONALTY SWORN TO.
67	£ 71,984

- (3.) THE amount of Fees paid.
 £252 5s. 0d.

*Supreme Court Office,
 Sydney, 5th January, 1864.*

D. B. HUTCHINSON,
 Prothonotary.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

JUDGE CARY.

(LETTER FROM, RELATIVE TO A CERTAIN CHARGE REPORTED TO HAVE BEEN MADE AGAINST
HIS CHARACTER.)

Ordered by the Legislative Assembly to be Printed, 1 September, 1863.

JUDGE CARY to ATTORNEY GENERAL.

95, *Elizabeth-street,*
Sydney, 29 August, 1863.

SIR,

Seeing it reported, in yesterday's *Sydney Morning Herald*, that Mr. Martin has brought a new charge against me, to the effect that I, "when a Bursar of one of the Colleges at Oxford, had made away with certain moneys intrusted to my care," I beg most unreservedly to assert that such charge, or anything like it, is totally untrue.

If Mr. Martin, or any other responsible person, not protected by privilege of Parliament, will reiterate such statement in writing, I will at once vindicate my character either in a Civil or Criminal Court, as I may be advised; or I am ready to submit to any inquiry in which the witnesses will be subject to examination on oath.

I have, &c.,

HENRY CARY.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

J U D G E C A R Y .

(ADMINISTRATION OF JUSTICE.)

Ordered by the Legislative Assembly to be Printed, 1 December, 1863.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 14 July, 1863, 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 and Minutes of the Executive Council, having reference to the recommendation of Judge Cary that the Court of Quarter Sessions should be removed from Wellington.

“(2.) Copies of all Correspondence having reference to the absence of Judge Cary from Wellington, on the 16th June last, the day fixed for holding the Court of Quarter Sessions thereat.”

(Mr. Samuel.)

SCHEDULE.

NO.	PAGE.
1. Judge Cary to Attorney General, forwarding list of General Sessions to be holden in the Western District, and as to discontinuing such Courts at Wellington. 23 March, 1863 ..	2
2. Secretary to Law Officers to Principal Under Secretary, transmitting draft Proclamation in respect of Quarter Sessions proposed to be held. 26 March, 1863	2
3. Attorney General to Judge Cary, respecting discontinuance of Courts at Wellington. 27 March, 1863	3
4. Judge Cary, in reply. 10 April, 1863	3
5. Attorney General to Principal Under Secretary, on same subject. 21 April, 1863. (Minutes of Colonial Secretary and Attorney General thereon. 24 and 29 April, 1863.)	5
6. Judge Cary to Attorney General, in reply. 27 May, 1863	6
7. Attorney General to Colonial Secretary, on same subject. 3 June, 1863. (Minute of Colonial Secretary thereon. 5 June, 1863.)	8
8. E. Sheppard, Esq., Barrister-at-law, to Attorney General, telegram as to adjournment of Court, Judge not having arrived. 16 June, 1863. (Minute of Attorney General thereon, same date.)	9
9. Attorney General to E. Sheppard, Esq., telegram in reply. 16 June, 1863	9
10. E. Sheppard, Esq., to Attorney General, telegram on same subject. 16 June, 1863	9
11. Attorney General to E. Sheppard, Esq., telegram in reply. Same date	9
12. Clerk of the Peace to Secretary to Law Officers, respecting payment of Jurors and Witnesses. 16 June, 1863	9
13. Secretary to Law Officers, in reply. Same date	9
14. Clerk of the Peace to Secretary to Law Officers, as to disposal of prisoners, Court having lapsed. 17 June, 1863	9
15. Secretary to Law Officers, in reply. Same date	10
16. Clerk of the Peace to Secretary to Law Officers, telegram stating prisoners for trial at Wellington Quarter Sessions. 17 June, 1863	10
17. Minute of Colonial Secretary respecting Judge Cary's absence. 17 June, 1863	10
18. Judge Cary to Attorney General, in explanation of his absence from Quarter Sessions, Wellington. 17 June, 1863	10

JUDGE CARY.

No. 1.

JUDGE CARY to ATTORNEY GENERAL.

Hartley, 23 March, 1863.

SIR,

I have the honor to forward to you, for publication in the *Gazette*, the list of days for holding Courts in the Western District, during the months of September, October, and November, of the present year; also, the corresponding list for the General Sessions of the Peace.

As regards the former list, may I request that it be printed *verbatim*?

My last proclamation, as published, was so altered, either in your office or at the Government press, as to exhibit a grammatical blunder seven times repeated.

I do not like to see my name appended to such documents.

I have, &c.,

HENRY CARY.

Courts of General Sessions of the Peace to be holden—

At BATHURST, on Wednesday, the 23rd September, 1863.

At ORANGE, on Monday, the 28th September, 1863.

At WELLINGTON,* on Thursday, the 22nd October, 1863.

At MUDGEE, on Wednesday, the 28th October, 1863.

* It is my intention to recommend the Government to discontinue the Sessions at Wellington, for reasons which I cannot enter on until the business of the present Circuit is concluded.

HENRY CARY.

Hartley, 23 March, 1863.

No. 2.

SECRETARY TO CROWN LAW OFFICERS to PRINCIPAL UNDER SECRETARY.

Crown Law Offices,

Sydney, 26 March, 1863.

SIR,

I am directed by the Attorney General to forward the enclosed draft proclamation, in respect of Courts of Quarter Sessions recommended to be holden in the Western District, with a view to its being laid before the Executive Council.

I have, &c.,

W. E. PLUNKETT.

[Enclosure in No. 2.]

Colonial Secretary's Office,

Sydney, 30 March, 1863.

At the instance of the Attorney General, it is recommended that a proclamation be issued according to the accompanying draft, appointing Courts of Quarter Sessions to be holden in the Western District, at the times and places therein mentioned.

JOHN ROBERTSON,

(In the absence of the Colonial Secretary.)

UPON the recommendation herein set forth, the Executive Council advise that a proclamation be issued by His Excellency the Governor, appointing Courts of Quarter Sessions to be holden in the Western District, at the times and places mentioned in the accompanying draft.

CHAS. COWPER, JUNR.,

Clerk of the Council.

PROCLAMATION.

By 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 St. Michael and St. George, Captain General and Governor-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.

WHEREAS by a certain Act or Ordinance of the Governor and Legislative Council of New South Wales, passed in the third year of the reign of His late Majesty King William the Fourth, intituled, "*An Act to consolidate and amend the Laws for the transportation and punishment of offenders in New South Wales and for defining the respective powers and authorities of General Quarter Sessions and of Petty Sessions and for determining the places at which the same shall be holden and for better regulating the summary jurisdiction of Justices of the Peace and for repealing certain Laws and Ordinances relating thereto,*" it was amongst other things enacted, that Courts of General Quarter Sessions for the Colony of New South Wales should be held at Sydney, Parramatta, Campbelltown, Windsor, Maitland, and Bathurst, and at such other places within the said Colony, and at such times respectively, as the Governor for the time being

JUDGE CARY.

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being should, by any proclamation duly issued for such purpose, appoint: Now, therefore, I, SIR JOHN YOUNG, Baronet, the Governor aforesaid, with the advice of the Executive Council, in pursuance of the power and authority so vested in me by the said recited Act, and all and every other power enabling me in that behalf, do, by this my proclamation, hereby appoint and direct that Courts of General Quarter Sessions, for the Colony of New South Wales, shall be holden at the following places severally within the said Colony, and at such times respectively as hereinafter mentioned, viz. :—

WESTERN DISTRICT.

At *Bathurst*, on Wednesday, the 23rd of September ;
 At *Orange*, on Monday, the 28th of September ;
 At *Wellington*, on Thursday, the 22nd of October ; and
 At *Mudgee*, on Wednesday, the 28th of October, 1863 ;

Of which all persons concerned are hereby required to take notice.

Given under my hand and seal, at Government House, Sydney, this first day of April, in the year of our Lord one thousand eight hundred and sixty-three, and in the twenty-sixth year of Her Majesty's Reign.

(L.S.) JOHN YOUNG.

By His Excellency's Command,

JOHN ROBERTSON.

GOD SAVE THE QUEEN !

No. 3.

ATTORNEY GENERAL to JUDGE CARY.

Attorney General's Office,
Sydney, 27 March, 1863.

SIR,

With reference to your note of the 23rd instant, upon the list of days submitted by you for holding Courts of General Sessions of the Peace in the Western District, to the effect—"That it is your intention to recommend the Government to discontinue the Sessions at Wellington, for reasons which you cannot enter on until the "business of the present Circuit is concluded"—I do myself the honor to request that you will have the goodness to communicate fully on this important matter, only thus noticed as above by your memorandum, at your very earliest convenience.

I have, &c.,

JOHN F. HARGRAVE,
 Attorney General.

No. 4.

JUDGE CARY to ATTORNEY GENERAL.

Bourke-street, Surry Hills,
10 April, 1863.

SIR,

In reference to my "intention" expressed in my note of the 23rd ultimo, "to recommend the Government to discontinue the Sessions at Wellington,"—I think it right to trouble you with a somewhat detailed statement of much that took place at the late Sessions there; and this not only with a view to justify my recommendation, but also to put the Government by anticipation in possession of an accurate and dispassionate answer to inquiries into the whole matter, which will probably be made at the next meeting of Parliament; as I infer from a passage in a published letter addressed by Mr. Martin to His Excellency the Governor, from a memorial or address which I am credibly informed has been sent to Mr. Cowper, from some inhabitants of the Wellington District, and also from many erroneous and exaggerated reports which have appeared in various newspapers.

The first case to which I have to call your attention is that of John Smith, charged with horse-stealing. The theft was clearly proved, but as it appeared that the stolen horse was not the property, either as owner or bailee, of the person in whom it was laid, I directed the jury to acquit the prisoner, which they did.

2. It appeared, however, from the depositions, that a saddle and bridle had also been stolen at the same time with the horse, and the Crown Prosecutor (Mr. Lee), on the prisoner's acquittal on the charge of horse-stealing, preferred a second charge against him for stealing the saddle and bridle. As it appeared to me that one complete act of theft ought not to be split into two separate charges, I advised the prisoner, who was undefended, to plead *autrefois acquit*; this he did. If my view of the law was correct the verdict ought to have been in favour of that plea, and so I told the jury, but they persisted in bringing in a general verdict of not guilty, though I repeatedly pointed out the distinction to them. But the evidence of theft was clear beyond a doubt, being in substance, as follows :—

The saddle and bridle, his master's property, were seen in the prisoner's possession, and in his bedroom, on the 18th December; on the 20th he left his master's service, and on the same day the saddle and bridle were missed. On the 22nd he exchanged the bit with another person, and on the same day he was seen with the saddle and bridle in his possession, at a distance of about thirty miles from his late master's residence, and was then apprehended.

Of


Of this case, did it stand alone, I should not complain, in that the jury might have been perplexed by the unusual plea.

3. Patrick Russell was then charged with stealing the same horse from the preceding prisoner, J. Smith.

There was a second for receiving.

The evidence against him was, that on the 22nd December he was seen riding the horse, and went with it to an inn ten miles from Wellington, where he was well known, and where he offered the horse for sale or exchange. His offer not being accepted, he then rode to Wellington, where he was apprehended on the horse's back. On his arrest, he said he had got the horse from a man who was too shabby to have a horse of his own. The horse was identified, and proved to have been lost two days previously. The verdict was "not guilty."

4. On the day following, John Heywood was charged with stealing from the person, amongst other property, a £5 note, and five £1 notes. The evidence was in substance as follows:—

The prisoner, on the morning of the 25th September last, went to an inn at Montefiores, and asked for a nobbler on credit, which was refused. Shortly afterwards the prosecutor came in, and treated him. The prisoner had seen the prosecutor give change for a £7 cheque the day before, and therefore knew he had money. After awhile the prosecutor lay down on a settle in the bar of the inn, and there slept for several hours. The prisoner lay down, with his head on the prosecutor's leg, near the pocket in which the money was. While the prosecutor was still asleep, the prisoner got up, and went to a store near at hand, and paid away, for goods, four £1 notes; he then returned to the same inn, and changed a fifth £1 note. When the prosecutor awoke, he missed his money; the prisoner was at once arrested, and, when searched, a £5 note was found on him. This note was marked, the prosecutor having cut a curved hole through it with his thumb-nail (thus, ). Prosecutor said he would not swear positively to that note; another might have been marked like it, but he believed it was his—he had no doubt in his own mind; but if any doubt could be raised on the prosecutor's cautious evidence, that doubt was removed by the prisoner's own statement, for, when the police found the £5 on his person, he said, "That is the £5 note I got to-day from Parker"; he was in the employ of Parker, the poundkeeper; but Parker was called, and swore that, earlier in the month, he had paid the prisoner £2 and some silver only, no £5 note.—Verdict, "not guilty."

On former occasions verdicts of "not guilty" had been returned at Wellington, notwithstanding that the evidence of guilt was as conclusive as in the last two cases; but I will not trouble you with further particulars of that kind.

In consequence of the circumstances above detailed, I think it my duty to recommend that the General Sessions of the Peace be no longer held at Wellington, because I am convinced that a due and impartial administration of the criminal law is, for the present, hopeless in that district. I do not, however, mean that this recommendation should extend to the District Court. And now, with a view to the anticipated inquiry to which I have alluded above, I must trouble you with an account of what further took place at the Wellington Sessions. When the trial of John Heywood was concluded, it was time to adjourn for the usual hour's refreshment. I spent that interval in considering what course I ought to adopt after three such strange verdicts; and, on the re-opening of the Court, I addressed the assembled jury, in deliberate, measured, and temperate language. I told them, in effect, that after such verdicts as had been returned it was in vain to attempt to administer the criminal law of the country in that locality. I told them that the most charitable conclusion that could be arrived at was, that they either knew not how to weigh the effect of evidence, or that they misapprehended their functions as jurymen, which were, not to determine by a majority of votes whether they would have an accused person punished or not, but to find verdicts according to the evidence before them.

I further said, that I knew that rivalries and jealousies existed between the inhabitants of Wellington and Dubbo, each party being anxious to have the Sessions held in their own town, and that, as the jurors were mixed from both places it was possible that they could not agree; for which reason I would not give either a triumph over the other by recommending the removal of the Sessions to Dubbo, but would advise their transfer to Orange.

I added, that a third, but very uncharitable conclusion might be arrived at, which was, that they had wilfully and knowingly returned verdicts against the evidence; but I desired expressly to guard against having come to this conclusion; indeed, I remarked, my doing so would be inconsistent with what I had first suggested, that the verdicts returned could only be accounted for on the supposition that they either did not understand the bearing of evidence or their own functions.

After I had *attacked* the jury, as Mr. Martin states in his letter, that gentleman adds, I refused to try any more prisoners. Such is not the fact. A man was then tried for perjury, and found guilty. There remained only one more case for trial, a charge of sheep-stealing against a father and son, both out on bail. At the opening of the Sessions an attorney, who had come express from Forbes to conduct the defence, had intimated that he should probably have to pray for an adjournment until next Sessions, in consequence of the great length of the depositions and the absence of material witnesses.

When all the other business was concluded the attorney expressed his readiness to proceed with the trial, but Mr. Lec moved to have the recognizances enlarged until next Sessions, on the ground that, expecting a similar motion from the other side, to which

which he was prepared to accede, he had not made himself master of the case for the prosecution. This motion was granted. I think that Mr. Lee stated that he should request the Attorney General to transfer this case to Orange, for trial. I certainly did say that, after what had transpired, it would be better for all parties that such transfer should take place, but that I could only interfere in the matter by recommending an application to the Attorney General for that purpose.

I have, &c.,

HENRY CARY,
Chairman, Q. S.

No. 5.

ATTORNEY GENERAL to PRINCIPAL UNDER SECRETARY.

OPINION respecting Judge Cary's report, in reference to Quarter Sessions recently holden at Wellington and recommendation to discontinue the Sessions at that place.

THERE are two points for consideration in Mr. District Court Judge Cary's letter of April 10th, viz. :—Firstly, the verdicts mentioned and censured by Mr. Cary; secondly, the proposed removal of the Court of Quarter Sessions from Wellington—the ground for such change being that he (Mr. Cary) “is convinced that a due and impartial administration of the criminal law is, for the present, hopeless in that district.”

First—with reference to the verdicts mentioned and censured by Mr. Cary.

In the first case, John Smith's, as the Judge directed the jury to acquit, and they did so, I cannot see how Mr. Cary can blame the jury for this verdict, nor in fact does he appear to do so.

In the second case, also John Smith's, Mr. Cary was clearly wrong in law in advising or directing the prisoner to plead *autrefois acquit* to stealing a saddle and bridle, when the record and facts shewed he had only been acquitted of stealing a horse. The jury, probably by the Judge having thus connected this case with the former, gave the prisoner the benefit of the former acquittal, under a general verdict of “not guilty,” which, being the same practical result as the Judge himself had sought to obtain for the prisoner under a plea of *autrefois acquit*, ought not to have exposed the jury to any censure from the Judge.

In the third case on that day, Patrick Russell's, the distinctions between *stealing* a horse, *using* a horse, *finding and appropriating* a lost horse, are so constantly misunderstood by colonial juries, and by the inhabitants of the country districts, that I think Mr. Cary need not have been startled by a verdict of “not guilty,” especially as the prisoner appears to have offered the horse for sale at a place where he was well known.

With reference to the only case on the second day alluded to by Mr. Cary, John Heywood's, I will not trouble the Honorable the Colonial Secretary with any remarks thereon, except (1) that the prosecutor appears to have been asleep for several hours in an open public-house, and exposed to robbery by many other persons than the prisoner; and (2) that in cases where one witness (like Parker) simply denies a fact alleged by the prisoner, and no confirmative evidence of such denial is produced, juries are often inclined (and, I think, rightly) to give the prisoner the benefit of his own statement.

With these remarks, I dismiss the consideration of the verdicts mentioned and censured by Mr. Cary.

Second—with reference to the second and most important part of Mr. Cary's letter, viz., the proposed removal of the Court of Quarter Sessions from Wellington, the ground for such change being that he (Mr. Cary) “is convinced that a due and impartial administration of the criminal law is, for the present, hopeless in that district.”

I have most carefully considered Mr. Cary's statements of his own conduct, and cannot understand how he could have deemed it his duty, after an hour's consideration, to address the assembled jury “in deliberate and measured language” to the effect that “after such verdicts as had been returned, it was in vain to attempt to administer the criminal law of the country in that locality;” and to tell them that “the most charitable conclusion that could be arrived at was, that they either knew not how to weigh the effect of evidence, or that they misapprehended their functions as jurymen.” In another portion of Mr. Cary's letter, he characterizes these verdicts as “strange” and “against evidence.”

It appears to me that Mr. Cary has, in this case, altogether misapprehended his own duty, and assumed a position which no British Judge ever yet assumed towards gentlemen of the jury, who, in their sphere of duty, are as much entitled to be respected and protected from insult as Mr. Cary in his sphere of duty as Judge. The usual form, of course, adopted by British Judges when differing with juries, is to express such difference of opinion by some such words as “This is *your* verdict, not *mine*, gentlemen;” and even if Mr. Cary's disagreement with the verdicts could be sustained, it must never be forgotten that the jury alone are the judges of the fact of guilt or innocence of the prisoner; a maxim of our constitutional law perfectly elementary, but which Mr. Cary seems to have altogether ignored.

Perhaps it may simplify the consideration of Mr. Cary's proposal if we reverse the case, and suppose that all the jurymen of the Wellington district, being dissatisfied with Mr. Cary's legal knowledge, especially in summing up the evidence, and other judicial conduct, had, in open Court, expressed their sentiments to that gentleman, and afterwards petitioned

petitioned the Government to remove him from his appointment as Judge. Could the Government on any such grounds listen to such a request—would not such an application be founded on a confusion of the duties of Judges and juries which is altogether without precedent, and unjustifiable?

I beg leave to say that I made no request to Mr. Cary for this or any statement of his judicial conduct on the Bench, but, as he has volunteered the statements contained in his letter, and still persists in recommending the removal of the Court of Quarter Sessions for the reasons stated, and has repeated to me (as Attorney General) these remarks upon the jurors of the Wellington District, I have felt it my duty to give this matter my most anxious consideration, and I am compelled to make the above official remarks on Mr. Cary's communication, while forwarding the same for the consideration of the Honorable the Colonial Secretary.

It is due, however, to Mr. Cary, that I should finally state,—

First: that justice does not appear to have been denied to any person at the recent sittings of Quarter Sessions at Wellington, the remaining cases on the list having been duly disposed of in the usual manner, as also appears by Mr. Lee's letter to me of the 1st April (copy herewith); and second, that no interference or delay appears to have taken place in the verdicts censured by Mr. Cary.

JOHN F. HARGRAVE,
Attorney General.

The Principal Under Secretary.—B.C., 21 April, 1863.—W.E.P.

I entirely concur in opinion with the Attorney General, that no sufficient reason has been shewn for making such an alteration as Mr. Cary proposes. A copy of the Attorney General's minute should be sent to Mr. Cary.

The Attorney General.

C. C.
B.C.—24 April.

Send copy of minute, &c., to Mr. Cary, as directed.—J. F. H., A.G.
Accordingly, B.C., 29 April, '63.

No. 6.

JUDGE CARY to ATTORNEY GENERAL.

Bathurst, 27 May, 1863.

SIR,

I have the honor to acknowledge the receipt of your "opinion respecting my report, in reference to Quarter Sessions recently holden at Wellington and my recommendation to discontinue the Sessions at that place," and respectfully beg leave to make some comments on it, as I cannot acquiesce in the conclusions you have arrived at.

At the outset I admit that I may have been in error in telling the jury of my intention to recommend the discontinuance of the Sessions. It might have been better had I simply made my report without previous remark; but I thought it the more straightforward and manly course to make known my intention.

Personally, and having regard to my own convenience only, I had rather continue the Sessions at Wellington, because they are far lighter than at any other place in my district, and I confess to preferring light to heavy Sessions. But, on public grounds, it appears to me to be my duty, if I find, and am convinced from repeated experience, that the criminal law cannot be efficiently administered in any particular locality, to report that conviction and the grounds of it to the Government; and I should have thought that the Government would have made enquiry, at least, from the Crown Prosecutor, Magistrates, and other credible persons present, whether or not such conviction was well-founded. For, as the great end and object of the criminal law is the prevention of crime, it seems to me that if, in any particular locality, that end and that object are persistently defeated, it would be but sound policy to remove the Criminal Court to another locality. (I beg you will understand that I am not now repeating my recommendation—I am only justifying my former report.)

If the enquiry above suggested had been made, I believe that almost all persons present, of the class to which I allude, would have confirmed my opinion. Indeed, the Crown Prosecutor and two attorneys then in Court stated publicly that they entirely concurred in what I said; and the Crown Prosecutor expressed his intention to recommend you to transfer the trial of Bryan and Patrick Veich to some other Court. Further than this, I cannot refrain from mentioning an incident, which I would not adduce on so serious an occasion, were it not so very significant of the opinion of others. It is this: In the case of John Heywood, an attorney in Court, after the jury had retired, considering the evidence perfectly conclusive, offered to lay a small wager of two to one that the verdict would be one of guilty. The mere offering such a wager shewed a belief that such a verdict could in ordinary cases in that Court hardly be expected, but that the evidence was so conclusive as to leave no room for doubt. However the wager was accepted by, I believe, more than one person present, shewing their expectation of the result. When that result was made known, there was a burst of laughter at the table of the Court, which, on so grave an occasion, was by no means pleasing to me; I did not however notice it then, but afterwards out of Court learnt it from the parties themselves.

It may be presumed, I think, that an Attorney General and a Judge are desirous of doing their duty in their several spheres; and if the former found that a jury panel persisted

In the first place, I have no hesitation in telling you plainly that your statement as to unseemly behaviour on the part of Messrs. Scott, Harrison, and myself, is a gross falsehood; the only conduct I have ever witnessed on that Bench calculated to bring into contempt the office of Magistrate, has been your own, and occasionally that of another Justice of the Peace, a great professed friend of yours. In the next place, your attendances have been, to say the least, few and far between, having been (it seems to me) limited to those occasions on which a packed Bench has appeared desirable to you or some of your friends, or others in which you have appeared either as plaintiff or defendant in paltry and insignificant cases; and I may add that as your presence has never been desired, so has your absence been felt a relief not only by the Magistrates but by the general public, who have been almost unanimous in expressing their disgust at your gross and unseemly conduct on almost every occasion latterly upon which you have occupied a seat on the Bench.

You, Sir, have the impertinence to say that you will not sit among gentlemen for fear of jeopardizing your respectability,—

May I ask who you are?—and may I also ask whether you remember your former position in this district before you became the *great reputed* gold discoverer? I remember a certain Mr. E. H. Hargraves who acted as process-server and amateur bailiff, and who was fond of undertaking dirty jobs in that peculiar line that no one else could be found to perform. Were you the man, if so, you must have most unparalleled effrontery to decline sitting with gentlemen for fear of injuring your respectability!!! Let me call to your remembrance an old and homely adage, that “the least said is soonest mended” on such a subject as that by you, in this district, at all events.

I have held the Commission of the Peace for nearly fourteen years, and I can look back upon my every judicial act during that time with the conscientious conviction that each will bear the most minute inspection, nor have I ever, thank God, used my Magisterial authority in the endeavouring to *wrong* or *oppress* any one. I wish that every Magistrate on the Gosford Bench could say the same.

I am quite prepared to join in a request to the Government to institute an inquiry into the proceedings and general conduct of the Magistrates in this district. Should such inquiry take place, I think I could guess the sequel.

Now, Sir, allow me, before I conclude, to offer you a little advice. When you next write anything you wish to be placed upon record, it would be as well for you to have a dictionary at hand, for I am sorry to say that in your letter now before me, the orthography is not of a description to shed additional lustre upon one styling himself “gold discoverer,” and holding Her Majesty’s Commission of the Peace.

E. H. Hargraves, Esq., J.P.

HOVENDEN HELY.

CERTIFIED to be a duplicate of a letter filed at the Police Office, Gosford, with the exception of certain words underlined in the first and sixth pages, which differ but do not alter the general sense.—THOS. C. BATTLE, C.P.S.
Police Office, Gosford, 7 June, 1862.

(C.)

Gosford, 10 May, 1862.

Sir,

It appears you have addressed a letter to Mr. Battley, in which you speak in most disrespectful terms of Messrs. Hely, Scott, and myself, and I regret to say you have, with an infatuation most absurd and reprehensible, therein made statements quite at variance with the truth. I should have passed over this matter with the most sovereign contempt, had you not directed that this very erudite epistle should be placed on record.

Your fear of compromising your respectability by sitting on the Bench with the aforesaid gentlemen is, to me, an idea so truly refreshing and amusing that I must thank you for the enjoyment of a hearty laugh.

Now, pray, whence comes your respectability?

Is it that, flushed with the gilding of a debateable nugget, or that, possessed with the imbecility of the “Frog in the fable,” you are endeavouring to force for yourself a position, viz., that of a gentleman; if so, place this flattering unction to your soul, that even as the frog failed to reach the pinnacle of its imaginary happiness, so will you fail in persuading the public to take you for a gentleman.

I should strongly recommend you to study the word charity, not in the common acceptance of the term, but in that extended sense pointed out to us in that Book, if ever you open, the precepts of which you evidently do not appear to understand.

You will there find that charity is one of the fundamental roots of Christianity, which, if practised by you in its most extended sense, may in time qualify you for the enviable rank of a gentleman, to which the parchment whereon your commission is written now only gives you the semblance of a claim.

As in your infatuation you have directed that your letter should be recorded, thus establishing a vehicle for your folly, I have taken the trouble to add another wheel to your chariot, which, I trust, may assist to take you on your (road) *way* rejoicing.

I remain, &c.,

E. H. Hargraves, Esq.

JAMES HARRISON, J.P.

CERTIFIED to be a duplicate of a letter filed at the Gosford Police Office, except in last page for “road” read “way.”—THOS. C. BATTLE, C.P.S.

7 June, 1862.

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(D.)

stealing a £1 note only, if he were put on his trial a second time for stealing the sovereign, *autrefois acquit* would be a good plea. Examples of the same kind might be multiplied *ad infinitum*.

The sameness or difference does not consist in the words horse or mare, duck or drake, note or sovereign, horse or saddle,—the question is, has the prisoner been tried and acquitted in respect of the same imputed act? The production of the record of acquittal, and proof that the act was one and the same would, in my opinion, support such a plea.

With regard to cases three and four, I have only to remark that the proof of guilt was so conclusive that the most sanguine advocate for the defence could not have hoped for a favourable verdict. There are some cases which are almost *luce clariores*, and these were such.

I have, &c.,
HENRY CARY.

Read.—C.C. 5th June.

No. 7.

ATTORNEY GENERAL to COLONIAL SECRETARY.

THE accompanying document is sent to me by Mr. Cary “to justify his former report,” and I regret to find nothing now urged which tends at all to alter my opinion upon the matter in question.

Mr. Cary, in the first place, complains that I did not, after his report, make enquiries of “the Crown Prosecutor, Magistrates, and other credible persons” present at the Wellington Quarter Sessions.

I reply that, if I had even thought of such a step, I believe Mr. Cary would have been the first person most justly to complain of such an indignity to himself as a Judge. Nor did the portions of Mr. Cary’s report which were most important require any confirmation—being perfectly clear statements by himself—of his own conduct on the day in question.

With regard to the grounds of excuse now urged, Mr. Cary justifies his conduct, first, by the circumstance that he was afterwards informed that “an attorney in the Wellington Court offered to lay a wager of two to one that a verdict of ‘not guilty’ would be returned in one of the cases mentioned by Mr. Cary; that this wager was “accepted by more than one person; and that laughter and other most unseemly “proceedings took place in the Court, by no means pleasing to Mr. Cary.”

I cannot follow Mr. Cary’s reasoning upon such circumstances as confirming his own conclusion; but it seems to me that the attorneys and others concerned in these proceedings were much more properly open to Mr. Cary’s public censure from the Bench than the jurors who differed from him in their verdicts.

The second ground of excuse is some statement made by Mr. Cary as to my own alteration of the place of trial, for a person named Richard Bird.

If desired by the Colonial Secretary, I will send the papers in Bird’s case, and ascertain the facts, but at present I have no recollection of the case; and it must be evident that my position and responsibility as Attorney General, in performing matters entrusted to my discretion, are very different from and can have no relation to Mr. Cary’s judicial conduct on the Bench.

On this point also I feel bound to give my unqualified denial that, during the three years and three months that I have had the honor to be Attorney General of the Colony, I have, in a single instance, “removed any prisoner for trial from one place to another, because of my dissatisfaction with the verdicts of juries.”

The concluding two pages of Mr. Cary’s letter, as to the legal correctness of his conduct in directing a prisoner to plead *autrefois acquit* need not now be discussed; and I regret that he should have troubled himself so elaborately to defend his opinion on a mere technical point, quite beneath consideration when compared with the main question at issue.

Whether the accompanying document will, as Mr. Cary says, “suffice as to the “general propriety of his conduct on the occasion in question, always excepting his “indiscreet candour to the jurors themselves,” is a question to which I feel myself unable to add any remarks to those I have already expressed in my former opinion.

JOHN F. HARGRAVE,
Attorney General.

The Principal Under Secretary, B.C., 3rd June, 1863.—W.E.P.

[For Enclosure, see No. 6.]

JUDGE CARY.

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No. 8.

TELEGRAM from E. SHEPPARD, ESQ., to ATTORNEY GENERAL.

Wellington, 16 June, 1863.

JUDGE Cary not arrived, being detained by floods. Police Magistrate the only Magistrate of the Wellington District now present. He has in certain cases double power. If Judge does not arrive to-day, how are the Quarter Sessions to be adjourned until to-morrow? Reply quickly by telegraph.

Inform the Colonial Secretary of the absence of the Judge.

J. F. H.,
A. G.

The Principal Under Secretary, B.C., 16 June, 1863.

No. 9.

TELEGRAM from ATTORNEY GENERAL to E. SHEPPARD, ESQ.

Sydney, 16 June, 1863.

THE 4th sect. of 16 Vict., No. 36, must be acted upon. The Police Magistrate has no power in this matter as two Magistrates. If not adjourned as above, the Quarter Sessions will lapse.

No. 10.

TELEGRAM from E. SHEPPARD, ESQ., to ATTORNEY GENERAL.

Wellington, 16 June, 1863.

IF Quarter Sessions lapse, what is to be done with the prisoners? Will the legal day end at sundown, or at midnight?

No. 11.

TELEGRAM from ATTORNEY GENERAL to E. SHEPPARD, ESQ.

Sydney, 16 June, 1863.

THE legal day will end at midnight.

No. 12.

TELEGRAM from CLERK OF THE PEACE, WELLINGTON, to SECRETARY TO CROWN LAW OFFICERS.

Wellington, 16 June, 1863.

AM I to pay the jurors and witnesses at the Wellington Quarter Sessions if the Court lapse?

No. 13.

TELEGRAM from SECRETARY TO CROWN LAW OFFICERS to CLERK OF THE PEACE, WELLINGTON.

Sydney, 16 June, 1863.

THE jurors and witnesses at the Wellington Quarter Sessions must be paid.

No. 14.

TELEGRAM from CLERK OF THE PEACE, WELLINGTON, to SECRETARY TO CROWN LAW OFFICERS.

Wellington, 17 June, 1863.

THE Court has lapsed. What is to be done with the prisoners? No intelligence of the Judge. Reply. Reply by telegraph.

No. 15.

TELEGRAM *from* SECRETARY TO CROWN LAW OFFICERS *to* CLERK OF THE PEACE,
WELLINGTON.

Sydney, 17 June, 1863.

THE Attorney General says that the prisoners will remain in custody. Send particulars of all the cases immediately.

Inform the Judge that the Attorney General will be glad to receive report as to his absence, at his earliest convenience. The Attorney General does not know where to write to him.

No. 16.

TELEGRAM *from* CLERK OF THE PEACE, WELLINGTON, *to* SECRETARY TO CROWN LAW OFFICERS.

Wellington, 17 June, 1863.

PRISONERS for trial at Wellington Quarter Sessions :—

Robert Jones, horse-stealing—(five cases.)

James Parker, horse-stealing.

George Hill, negligent escape—(on bail.)

Depositions to you by to-day's post.

No. 17.

MINUTE OF COLONIAL SECRETARY.

If Judge Cary does not offer some explanation for his absence quickly, he should be called upon to give it.

C. C.

B.C.,—17 June.

The Attorney General.

No. 18.

JUDGE CARY *to* ATTORNEY GENERAL.

Wellington, 17 June, 1863.

SIR,

I have the honor to inform you that I reached Molong, on my way from Forbes to Wellington, on Friday afternoon, the 12th instant; in ordinary weather that is the best route. It was fine until I arrived at Molong; but during the whole of Friday night the rain fell very heavily, and continued to fall at intervals during the two following days. From Saturday to Monday the creeks could not be passed with safety; and on Tuesday, when I started from Molong, I was informed by those well acquainted with the roads, that the Bell River, for miles from Wellington, would be still impassable. I therefore had to come by Stony Creek, a distance of fifty miles, which, from the bad state of the roads, could not be accomplished in one day. I reached this place a few minutes after 1 this day, and hoped to find the business of the Court adjourned in expectation of my arrival, but the want of a second Magistrate prevented that course being taken.

Mr. Gore and Mr. Lee left Forbes a day later than I did, and so were prevented by the fall of rain from attempting the shorter route though Molong.

I have, &c.,

HENRY CARY,

Chairman, Q. S.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHIEF COMMISSIONER OF INSOLVENT ESTATES.

(CORRESPONDENCE RELATIVE TO APPOINTMENT OF A SOLICITOR TO THE OFFICIAL ASSIGNEES, ETC.)

Ordered by the Legislative Assembly to be Printed, 1 December, 1863.

RETURN (in part) to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 14 July, 1863, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A copy of all Correspondence between the Law Institute, the Judges of the Supreme Court, and the Government, in reference to certain letters addressed by the Chief Commissioner of the Insolvent Court to the Official Assignees, relative to the appointment of a Solicitor to the Official Assignees, as well as copies of all letters addressed by the Chief Commissioner to the Official Assignees at any time upon the subject of Law costs, and with relation to the appointment of a Solicitor to the Official Assignees, and of all Correspondence between the Government and the Chief Commissioner on the same subject.”

(*Mr. Holroyd.*)

SCHEDULE.

NO.	PAGE.
1. Registrar in Insolvency to John Morris, Esq., Official Assignee, transmitting copy of New General Rules in Insolvency, &c. 10 February, 1862	2
2. Same to same, respecting Law costs. 23 May, 1862	2
3. Chief Commissioner of Insolvent Estates to J. P. Mackenzie and R. H. Sempill, Esqs., Official Assignees, respecting appointment of a Solicitor to Official Assignees. 12 February, 1863	2
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5. E. A. Mackechnie, Honorary Secretary, Law Institute, enclosing copies of Resolutions, &c., respecting appointment of a Solicitor to the Official Assignees. 13 April, 1863	3
6. Principal Under Secretary, in reply. 20 June, 1863	4
7. Opinion of Mr. Attorney General Hargrave upon the foregoing correspondence. 5 May, 1863	4
8. Secretary, Law Officers, to Registrar, Insolvent Court, transmitting copy of Address of Legislative Assembly. 21 July, 1863	5
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CHIEF COMMISSIONER OF INSOLVENT ESTATES.

No. 1.

REGISTRAR IN INSOLVENCY to JOHN MORRIS, Esq., OFFICIAL ASSIGNEE.

(Circular.)*

*Registrar's Office,
Insolvency,
10 February, 1862.*

SIR,

I am directed by His Honor the Chief Commissioner of Insolvent Estates to enclose, for your use, a copy of the new General Rules in Insolvency.

I am also directed by the Chief Commissioner to apprise you—as principles that will be observed on the taxation of costs before me, and which has been approved of both by their Honors the Judges of the Supreme Court, and the Chief Commissioner—that no professional costs or charges will be allowed to an Official Assignee, in respect of any act, matter, or thing, which he himself might reasonably have done or seen to; and that Official Assignees will not be allowed for the attendance of any counsel or solicitor, before the Chief Commissioner, unless the Chief Commissioner shall have previously directed the obtaining of professional assistance, or shall at the time certify in writing his approval of such attendance, or subsequently sanction it in like manner.

I have, &c.,
ARCHBD. CAMPBELL,
Registrar in Insolvency.

* A similar letter was addressed to each of the other Official Assignees.

No. 2.

REGISTRAR IN INSOLVENCY to JOHN MORRIS, Esq., OFFICIAL ASSIGNEE.

(Circular letter.)*

*Insolvency Department,
Sydney, 23 May, 1862.*

SIR,

I am directed by the Chief Commissioner of Insolvent Estates to call your attention to the fact, that in the accounts current and plans of distribution which have been recently submitted to his Honor, by Official Assignees in Insolvency, entries are not unfrequently found by which they debit estates with costs, paid by them to solicitors, that have not been taxed by the Registrar in Insolvency, but by some other officer unconnected with the Insolvency Department, although those costs have been incurred in insolvency proceedings. His Honor is of opinion that such a course is opposed to the provisions of the Legislature (25 Vic., No. 8, s. 8), and to the General Rule in Insolvency, No. 10, and that the adoption of it by Official Assignees would defeat the intention of another provision of the Legislature (25 Vic., No. 8, s. 6.)

His Honor therefore trusts that you will bear these circumstances in mind for the time to come, and should you fail to do so, it may become his duty to disallow, as against insolvent estates, any costs incurred in insolvency proceedings that have not been taxed by the Registrar in Insolvency.

I have, &c.,
ARCHBD. CAMPBELL,
Registrar in Insolvency.

* A similar letter was addressed to each of the other Official Assignees.

No. 3.

CHIEF COMMISSIONER OF INSOLVENT ESTATES to J. P. MACKENZIE AND R. H. SEMPILL, Esqs., OFFICIAL ASSIGNEES.

(In Insolvency.)

Sydney, 12 February, 1863.

GENTLEMEN,

During the last eighteen months I have had frequent occasion to observe and know, that the practice which has heretofore prevailed, of each Official Assignee in Insolvency employing a separate solicitor to advise him professionally, and to conduct his legal business as such Official Assignee, has led, and does lead, as a general rule, to numerous evils and serious abuses, both to creditors of insolvent estates and to insolvents. It is also, at times, prejudicial to the Assignees themselves, and to the general administration of justice in insolvency.

After careful consideration, therefore, I feel it is my duty, as Chief Commissioner of Insolvent Estates, and entrusted with the direction and control, in all respects, of

Official

Official Assignees, as such, under the 25 Vic., No. 8, s. 6, to request, as I now do, and, if necessary, to direct that, for the time to come, you will be advised and assisted by one and the same solicitor, or firm of solicitors, in all legal matters or business, arising from this date, in which it is proper that you should have professional aid as Official Assignees.

You are aware that a Select Committee of the Legislative Council have recently reported there should be one solicitor to Official Assignees.

I should prefer (if it were at all probable you would join or concur in doing so) that you yourselves should select that solicitor or firm; but I know, from past experience in other things, that there is no likelihood of your doing so; and I am unable to sanction the further continuance of the present separate arrangements, so far as relates to new business or matters.

I must accordingly determine for you, as Official Assignees, as well as for those interests that have been committed to my supervision, who the solicitor shall be. In doing so I desire to secure for you, and for those interests, such professional advice and assistance, as will command general confidence, and put an end to the evils and abuses to which I have referred; and I feel that I shall do so, by nominating, as I now do, Messrs. Want and Slade to be that solicitor, until further direction or provision by the Legislature.

As regards professional business already commenced, or undertaken for you, or either of you, I do not require any change to be made.

I have, &c.,

ALFRED M'FARLAND,
Chief Commissioner.

No. 4.

REGISTRAR IN INSOLVENCY to JOHN MORRIS, Esq., OFFICIAL ASSIGNEE.

(In Insolvency.)

Sydney, 12 February, 1863.

SIR,

I am directed by the Chief Commissioner of Insolvent Estates to enclose to you, a copy of a letter, addressed by His Honor this day to Mr. Mackenzie and Mr. Sempill, two of the Official Assignees in Insolvency.

His Honor desires me to inform you, at same time, that the request or direction contained in that letter, and the arrangement which it makes, are not intended to apply to you, the remaining Official Assignee, because he has had many opportunities of knowing that the solicitor whom you employ to protect the interests of insolvent estates committed to your trust, discharges that duty with great ability, promptness, and success; and possesses, most justly, the confidence of very many, or large bodies of creditors in insolvency.

His Honor has also found that all such suggestions as he has felt it his duty to make, for placing insolvency affairs upon a better footing, have been cheerfully acceded to by that gentleman.

I have, &c.,

ARCHD. CAMPBELL,
Registrar.

No. 5.

HONORARY SECRETARY, LAW INSTITUTE, to COLONIAL SECRETARY.

*Law Institute of New South Wales,
Sydney, 13 April, 1863.*

SIR,

Pursuant to certain Resolutions passed at the Quarterly Meeting of the Members of the Law Institute, held on the 9th instant, I do myself the honor (as therein directed) to enclose herewith, copies of those Resolutions, together with copies of the letters to which they refer; and, according to the said Resolutions, respectfully request that the subject may be taken into your consideration.

I have, &c.,

E. A. MACKECHNIE,
Honorary Secretary.

[Enclosure in No. 5.]

EXTRACT from the Minutes of the Quarterly Meeting of the Members of the Law Institute of New South Wales, held Thursday, the 9th day of April, A.D. 1863.

MR. G. W. M'CARTHY moved the following Resolution:—

“This meeting having had under consideration the letter of the Chief Commissioner of Insolvent Estates of 12th February, 1863, addressed to the Official Assignees, directing them to employ certain solicitors only in the legal business connected with the estates under their management; and also the letter of the same date, addressed by the Registrar in Insolvency to John Morris, Esq., is of opinion that the same are an unjustifiable stretch of power—an improper interfering with the rights of the Official Assignees and the creditors—and offensive to the profession at large”

Seconded by MR. M. C. STEPHEN.

Put and carried unanimously.

MR.

MR. CHARLES STAFFORD moved:—

“That a copy of the foregoing Resolution, together with copies of the letters referred to, be sent to the Honorable the Colonial Secretary, and also to their Honors the Judges of the Supreme Court, with a letter from the Secretary, requesting them to take the subject into their consideration.”

Seconded by MR. WILLIAM TEALE.

Put and carried unanimously.

MR. EDWIN DAINTRY moved:—

“That a copy of the Resolution be also forwarded by the Secretary to the Chief Commissioner, with a letter apprising him that it had been submitted to the Honorable the Colonial Secretary and to their Honors the Judges.”

Seconded by MR. ICETON.

Put and carried.

No. 6.

PRINCIPAL UNDER SECRETARY to HONORARY SECRETARY, LAW INSTITUTE.

*Colonial Secretary's Office,
Sydney, 20 June, 1863.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 13th April last, enclosing copies of Resolutions adopted at the Quarterly Meeting of the Law Institute, and of the letters from the Chief Commissioner and the Registrar of Insolvency to which they refer, respecting the employment of certain solicitors in legal matters of business under the management of the Official Assignees.

2. In reply, Mr. Cowper desires me to state that he has given every consideration to the matter referred to him by the Law Institute, and that as by the Act of the Governor and Executive Council, 7 Victoria, No. 19, the appointment of Official Assignees is vested in the Chief Justice, without reference to the Government, it appears to the Colonial Secretary that the complaint should be made either to the Supreme Court, as a legal tribunal, or to the Chief Justice, as the authority upon whom the law confers the power to appoint the Assignees.

I have, &c.,

WM. ELYARD.

No. 7.

OPINION OF MR. ATTORNEY GENERAL HARGRAVE UPON THE FOREGOING.

COPY of Opinion respecting Correspondence in reference to the directions of the Chief Commissioner of Insolvent Estates to the Official Assignees to employ certain Solicitors in legal business under their management.

I HAVE carefully perused the Commissioner's letter of 12th February, to Messrs. Mackenzie and Sempill, and the Registrar's letter of the same date to Mr. Morris, and beg to forward to the Honorable the Colonial Secretary the following observations thereupon:—

First—Assuming the Commissioner to have the power to appoint “Solicitors to the Official Assignees,” under the general words of the sixth section of the Act 25 Viet., No. 8, placing “the Official Assignees in Insolvency in all respects as such Assignees under the control and direction of the Chief Commissioner,” I cannot understand why an appointment should have been made, accompanied with such unusual expressions, as to the two firms who have been selected.

The language used by the Commissioner (more perhaps than the appointments themselves) has tended to produce the subsequent discussions in this matter.

Secondly—The Commissioner has informed me that these appointments were made with the consent of the Official Assignees, and that they only take effect in cases where the creditors do not appoint a solicitor. I do not, however, think that this can be collected from the letters themselves, and if this were the Commissioner's intention, both these conditions, precedent to the operation of these orders, should have been stated in the documents. In the Commissioner's letter of 12th February, he expressly says that he “determines for the Official Assignees” in this matter, and not that these attorneys are appointed with the consent of the Official Assignees, or that they were to assume their duties only in default of the creditors choosing their own solicitor.

Thirdly—I would observe that the resolutions passed by the members of the Law Institute, in condemnation of these letters, “as an unjustifiable stretch of power, and offensive to the profession at large,” appear to be very fair rejoinders to the language used by the Commissioner, and to have been only intended as such. Any of the gentlemen attending the meeting of “the profession at large” could have easily tested the legality of these appointments.

Fourthly—As no such proceedings have been taken, and as the Official Assignees appear to have acquiesced in the Chief Commissioner's interpretation of the Act, I do not consider that my opinion is required as to the proper construction of the section referred to, or that I can offer any other observations in the matter.

JOHN F. HARGRAVE,

Attorney General.

B.C., 5 May, 1863.

The Principal Under Secretary.

No. 8.

SECRETARY TO CROWN LAW OFFICERS to REGISTRAR IN INSOLVENCY.

*Crown Law Offices,
Sydney, 21 July, 1863.*

SIR,

I am directed by the Attorney General to transmit to you herewith a copy of an Address of the Legislative Assembly, for certain information respecting the Chief Commissioner of Insolvent Estates, and to request that you will bring the same under the notice of that officer, with a view to compliance with the order in question.

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

No. 9.

REGISTRAR IN INSOLVENCY to SECRETARY TO CROWN LAW OFFICERS.

*Insolvency Department,
Sydney, 8 September, 1863.*

SIR,

In reply to your letter to me of 21st July last, I am directed by the Chief Commissioner of Insolvent Estates to state, that His Honor has not any "copy of any correspondence between the Law Institute, the Judges of the Supreme Court, and the Government, in reference to certain letters addressed by the Chief Commissioner to the Official Assignees, relating to the appointment of a solicitor to the Official Assignees." No such correspondence has reached or been communicated to the Chief Commissioner; nor does he know there has been any such correspondence.

2. I am directed by the Chief Commissioner to enclose "copies of all letters addressed by him to the Official Assignees at any time upon the subject of law costs" since his appointment (25th July, 1861), of which copies have been kept, or that the Chief Commissioner can now recollect. But His Honor has made *memoranda* upon the subject, on very many reports and accounts current, filed or submitted for his inspection and approval by Official Assignees in various Insolvent Estates during the last two years, applicable to those particular estates, and on bills of costs relating to various Insolvent Estates taxed by him, or referred to him by the Registrar within a like period. The Chief Commissioner does not believe such memoranda were intended to be comprised in the Return moved for by Mr. Holroyd. If otherwise, copies of most of them can be furnished; but this would involve very considerable delay, as a great number of documents must be referred to and examined.

3. I am directed by the Chief Commissioner to enclose "copies of all letters addressed by him to the Official Assignees, at any time, with relation to the appointment of a solicitor for the Official Assignees."

4. I am directed by His Honor to state, that there has not been "any correspondence between the Government and the Chief Commissioner on the same subject," but that there was a conversation respecting it between a member of the Government and the Chief Commissioner, the purport of which has been already stated by the former in his place in Parliament.

I have, &c.,
ARCHBD. CAMPBELL,
Registrar in Insolvency.

No. 10.

SECRETARY TO CROWN LAW OFFICERS to PROTHONOTARY OF SUPREME COURT.

*Crown Law Offices,
Sydney, 7 October, 1863.*

SIR,

I am directed by the Attorney General to transmit to you herewith, a copy of an Address of the Legislative Assembly, for certain information respecting the Chief Commissioner of Insolvent Estates, and to request that you will have the goodness to take such steps as may be necessary, with a view to supplying copies of any correspondence on the subject, with their Honors the Judges of the Supreme Court.

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

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHIEF COMMISSIONER OF INSOLVENT ESTATES.

(FURTHER CORRESPONDENCE RELATIVE TO APPOINTMENT OF A SOLICITOR TO THE OFFICIAL ASSIGNEES, &C.)

Ordered by the Legislative Assembly to be Printed, 11 December, 1863.

FURTHER RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 14 July, 1863, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A copy of all Correspondence between the Law Institute,
“ the Judges of the Supreme Court, and the Government,
“ in reference to certain letters addressed by the Chief
“ Commissioner of the Insolvent Court to the Official
“ Assignees, relative to the appointment of a Solicitor to
“ the Official Assignees; as well as copies of all letters
“ addressed by the Chief Commissioner to the Official
“ Assignees at any time upon the subject of Law Costs, and
“ with relation to the appointment of a Solicitor to the
“ Official Assignees; and of all Correspondence between the
“ Government and the Chief Commissioner on the same
“ subject.”

(*Mr. Holroyd.*)

SCHEDULE.

NO.	PAGE.
1. Honorary Secretary, Law Institute of New South Wales, to their Honors the Judges of the Supreme Court, respecting Chief Commissioner of Insolvent Estates (with Enclosures). 13 April, 1863	2
(For Enclosures, see Return ordered to be printed 1st December, 1863, Nos. 3, 4, and Enclosure in No. 5.)	
2. Chief Justice to Honorary Secretary of the Law Institute, in reply to No. 1	2

CHIEF COMMISSIONER OF INSOLVENT ESTATES.

No. 1.

HONORARY SECRETARY, LAW INSTITUTE, to THEIR HONORS THE JUDGES.

*Law Institute of New South Wales,
Sydney, 13 April, 1863.*

GENTLEMEN,

Pursuant to certain resolutions passed at the Quarterly Meeting of the Members of the Law Institute, held on the 9th instant, I do myself the honor (as therein directed) to enclose herewith copies of those resolutions, together with copies of the letters to which they refer; and, according to the said resolutions, respectfully request that the subject may be taken into consideration by your Honors.

I have, &c.,

E. A. MACKECHNIE,
Honorary Secretary.

No. 2.

CHIEF JUSTICE to HONORARY SECRETARY, LAW INSTITUTE.

*Supreme Court,
12 June, 1863.*

SIR,

In the perpetual succession of duties devolving on my brother Judges and myself during the last seven or eight weeks, it had escaped my notice until lately that your communication and its enclosures, respecting certain letters of the Chief Commissioner of Insolvent Estates, remained unacknowledged.

The subject was taken into consideration by us within a few days after the receipt of the papers; and we were clearly of opinion, that no power is vested in the Judges of exercising control over any proceeding of the Chief Commissioner, except by adjudication or order upon appeal. We do not discover any exception from that rule, in respect of any direction to the Official Assignees, or any of them; and the circumstance, should such really be the case, that the particular direction recently given incidentally affects other persons, does not create a jurisdiction in this Court to interfere in any other than the usual course.

I am, &c.,

ALFRED STEPHEN.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHIEF COMMISSIONER OF INSOLVENT ESTATES.
(MEMORIAL, &c., AND CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 1 December, 1863.

MEMORIAL, &c., of Merchants, complaining of Mal-Administration
of Insolvent Estates, by present Chief Commissioner.

SCHEDULE.

NO.	PAGE.
1. Memorial of A. Macarthur & Co., and other Merchants, complaining of the Mal-Administration of Insolvent Estates by the present Chief Commissioner, with annexures thereto ..	2
2. Chief Commissioner of Insolvent Estates to Attorney General, respecting Memorial, &c. 27 November, 1863	6
3. Attorney General, in reply. 28 November, 1863	7
4. Chief Commissioner to Attorney General, further respecting Memorial, &c. 30 November, 1863	7
5. Attorney General, in reply. 30 November, 1863	8

CHIEF COMMISSIONER OF INSOLVENT ESTATES.

No. 1.

MEMORIAL OF A. M'ARTHUR AND CO., AND OTHER MERCHANTS.

To the Honorable James Martin, Esquire, Attorney General, &c., &c., &c.

SIR,

The undersigned respectfully represent that the public are deprived of the advantages of the Insolvent Law by reason of its present mal-administration, and are compelled to accept, in many instances, the provisions of the Assignment Act, at great cost, and to the almost entire sacrifice of their just rights and interests, which a proper administration of the Insolvent Law would prevent.

That the Chief Commissioner of Insolvent Estates is unsuitable to his office by reason of his imperfect knowledge, not only of his profession, but of business transactions generally; and that his temper, demeanour, and mode of conducting the business in his department have been productive of annoyance to many persons, and dissatisfaction to the public generally.

He has created and occasioned enormous and irreparable injury by claiming to have a jurisdiction independently of the Supreme Court, and persisting therein in defiance of the opinions of the Judges and the legal profession generally, and has assumed to act in opposition and disrespectfully to that Court and the Judges of it.

That in place of facilitating and permitting the directions of creditors being carried into effect with regard to the management, as they conceive, of their own affairs, he has frequently ignored such directions to their great prejudice and injury, in illustration of which we would beg to refer to the Enclosures annexed, marked A, B, and C.

That he has compelled the employment of solicitors and barristers in proceedings which the creditors or Assignees were formerly allowed to perform, and has improperly assumed the power of appointing a particular solicitor to transact all law business, and intimated his wish to the Assignees that they should employ a particular counsel.

Your attention is respectfully invited to a memorial, a copy whereof is annexed, signed by a large number of the leading mercantile houses in Sydney, which was presented in July last to both Houses of Parliament, and praying for relief against the mal-administration of Insolvent Estates arising from the matters before alluded to.

We therefore most respectfully urge the foregoing matters upon your consideration, and request speedy relief therein.

A. M'ARTHUR & Co.
ASHDOWN & Co.
J. B. HOLDSWORTH.
JOHN FRAZER & Co.
FOTHERINGHAM & MULLEN.
DANGAR, GILCHRIST, & Co.

[Enclosures in No. 1.]

A.

IN THE INSOLVENT ESTATE OF THOMAS WALSH.

WE, the undersigned creditors in this estate, having read the minute of the Chief Commissioner of Insolvent Estates, which is attached to the interim report and account of the Official Assignee, of the 21st October instant, hereby testify that the charges and disbursements by the Assignee, objected to or commented upon by the Chief Commissioner, are known by us to be reasonable and properly incurred; and as the Assignee, throughout his management of this estate, has acted under our direction, and merited and received our entire approval, we feel bound to support him in all that he has done therein; and in the event of the Chief Commissioner insisting upon his objections or disallowing the items alluded to by him, or any part of them, we direct the Assignee on our behalf to appeal against the same, without calling the third meeting named by the Chief Commissioner, and we direct the Official Assignee not to file the plan of distribution until we have determined upon ulterior proceedings, which we contemplate commencing in this estate.

We also beg to record our protest against the gratuitous and unwarranted expression of opinion contained in the paragraph of such minute with reference to the premises recovered in the ejectment suit, and further to express our conviction that the conduct of the Chief Commissioner generally, with regard to the proceedings which the creditors have taken in this estate for the recovery of their just rights, has been to frustrate their endeavours, and to shield and encourage the insolvent in his attempts to defraud them.

The Assignee will please forward a copy of this memo. to the Chief Commissioner.

JOHN FRAZER & Co.	A. M'ARTHUR & Co.
DANGAR, GILCHRIST, & Co.	KEEP & PARSONS.
S. HOFFNUNG & Co.	ASHDOWN & Co.
E. VICKERY.	

Estate

Estate of Thomas Walsh.

It will be remembered by Mr. Isaacs, that at the meeting of the creditors before the Chief Commissioner on the claim by the insolvent's sister, Mrs. Neville, the Chief Commissioner intimated his determination to allow that claim unless it was disproved by the creditors. Mr. Mylechorane, the person named in the affidavit of the Official Assignee read on that occasion, is expected in town in a few days, so that his examination may be taken if thought necessary and proper. As, however, it is expected the Chief Commissioner will in any event admit the claim as he has intimated, and the creditors have determined to appeal, it is doubted whether it would be prudent on their behalf to attempt to disprove the claim, when it is considered the evidence used in support of it has already disproved it.

Counsel will please to advise, on behalf of the creditors, whether, under the evidence taken, the claim is of such a character as would justify its allowance as a debt against the estate?

Whether the evidence of Mr. Mylechorane should be taken, and generally on the case?

OPINION.

In regard to the first question, I have no hesitation in expressing my opinion in the negative. The claim appears to me to stand upon as weak a foundation as any ever put forward in a Court. Indeed, looking at the evidence in the case (as far as the dealings between the insolvent and the pretended creditor are concerned), and the confused and contradictory statements made by the one and the other regarding the debt; and coupling this with the relationship existing between them, and the suspicious character of all the insolvent's proceedings, I am at a loss to understand how any person of competent mental qualifications and unbiassed and impartial feelings can arrive at the conclusion that this claim ought to be allowed. I feel the strongest assurance that the Judges of the Supreme Court will not sustain the decision of His Honor the Chief Commissioner. I do not enter into a detail of the evidence, which, in my opinion, supports the view which I have stated—deeming such course unnecessary—as the creditors are, I believe, well acquainted with the evidence.

The second question, as to the examination of Mr. Mylechorane, is one on which I have some doubt; but upon the whole, I think, if he can be trusted it will be best to examine him. His name being mentioned in the affidavit of Mr. Sempill, and the Chief Commissioner having, in giving his decision, left it open to the creditors to produce further evidence, it may be held that we were in a measure bound to do so, before invoking the interference of the superior tribunal, and the Judges might suspend their interposition for the purpose of taking the evidence of this person, which we might then have more difficulty in procuring.

This evidence being taken or not, as the creditors upon considering my opinion, shall determine, I advise an appeal to the Supreme Court. I feel almost confident of the result, believing that if success is to be predicted in any case it is in this.

ROBERT M. ISAACS.

2 November, 1863.

B.

IN THE ESTATE OF ELIAS MOSES.

In this case the insolvent possessed a large quantity of costly furniture and other household property, such as silver plate, jewellery, &c. He had before his insolvency insured the same in a policy for £1,000. At date of sequestration he owed large sums to tradesmen for goods supplied to his family, such as—

	£	s.	d.
Butcher	94	0	0
Chemist	19	0	0
Newspaper	16	0	0
Wine Merchant	11	0	0
Draper	36	0	0
Confectioner (for a wedding breakfast)	60	0	0
Dressmaker and Milliner	129	0	0
Draper and Silk Mercer	161	0	0
Ditto	26	0	0
Ditto	61	0	0
Grocer	25	0	0
Pew rent	26	0	0
Gas Company	25	0	0
Coals	12	0	0
Portrait Painter	5	0	0
Tailor	25	0	0
Rent of his house	56	0	0
Money received as executor of an estate	277	0	0

The above debts were proved against his private estate, and were quite independent of his business debts and liabilities as a merchant.

At the third meeting it was proposed, on behalf of the insolvent, that the furniture should be allowed to him. A committee of three principal creditors, who had been appointed at a meeting of the general body of creditors the day after the sequestration of the estate to advise and direct the Assignee in his management, objected to the furniture being allowed. The Commissioner, without taking the votes of the creditors present, as provided by law, "reserved his decision, with leave to the committee to give him a written statement of assent or dissent within ten days." The committee gave to the Commissioner a written dissent and protest against the allowance of the furniture, in the following words:—

"(181.—*In Estate of Mr. Elias Moses.*)

"To His Honor the Chief Commissioner,—

"Sir,

"March 3, 1862.

"At a general meeting of the creditors in this estate, held on the 25th July, the day after sequestration, we were appointed by the creditors to advise with the Official Assignee, and to represent their interests.

"On the 19th February, at the third meeting, it was proposed by Mr. Raphael to allow Mr. Moses his furniture.

"As the committee appointed by the general body of creditors, we consider we are bound to request your Honor to reserve your decision on the question until after certain examinations, now being gone into, have been concluded. In these examinations, evidence will be given of extraordinary transactions on the part of Messrs. Moses and Benjamin. These transactions are at present unknown to your Honor and to the general creditors, as well as other matters seriously affecting the interests of the creditors, on all of which matters we are of opinion it is our duty, both to the Court and to the creditors, that we should be heard before your Honor arrives at any determination on Mr. Raphael's motion.

"At the present time we only ask your Honor not to decide before the examinations have been taken, after which we think it most likely your Honor will concur in our view that the insolvent should not be allowed his furniture, and we, acting on behalf of the creditors generally, protest against such allowance.

"We have, &c.,

The

The Commissioner refused to reserve his decision till after the examinations referred to could be had, but received a consent to the allowance of the furniture, signed by a number of persons, the most of whom were not creditors on the private estate. They therefore had no right to dispose of the furniture in prejudice of the private creditors, who were, for the most part, tradesmen, who had furnished insolvent and his family with necessaries of life, such as provisions, clothing, fuel, &c., and to whom the private alone belonged.

At the same time that the Commissioner decided on allowing the furniture on the consent referred to, he referred to the proposal made at the third meeting, to allow the insolvent the furniture, as "a direction given by a majority of creditors at the third meeting," although no votes had been taken at that meeting in such a way as would have tested the right of the creditors voting; and the Commissioner also informed the committee of creditors that the Official Assignee, or the committee of management, as creditors, might examine whatever additional witnesses they might consider material, but he apprised them distinctly that they would do so at the risk of having to bear *personally* the costs which they would thus incur, for he could not permit the estate to be burthened with what he considered to be unnecessary expenses.

The committee were thus precluded from any farther investigation into transactions referred to in their letter, which, if followed up, would, in their opinion, have produced a large sum to the estate, and other results. When insolvent applied for his certificate they felt that although it was perhaps their duty, under the trust they had received from the creditors as a committee, to oppose the insolvent, they felt they could only do so after the Commissioner's notice, at a personal risk of having to pay the costs of any such opposition themselves, and therefore the only statement against the certificate was a report the Assignee has to make on such occasions of anything within *his own personal* knowledge. Such a report can of course seldom amount to anything like evidence, and not being capable of statement on oath is easily met by affidavit from the insolvent, on whose one-sided testimony a certificate is under such circumstances obtained.

The following report, taken from the Commissioner's note-book, shews this matter clearly. Of course it is hardly necessary to remark that the "mass of evidence" referred to by the Commissioner as having been taken, was not taken on the question of insolvent's conduct or right to certificate, but for other objects entirely. The Commissioner says it disclosed nothing, but that was because he prevented its being going on with, by the order he made when he gave insolvent the furniture, that if the committee or Assignee examined additional witnesses he would make them bear the costs personally:—

"In the matter of the application of Elias Moses for a certificate, his Honor, in delivering judgment, said that he had read the report submitted by the Official Assignee, and insolvent's affidavit, in reply; that the Official Assignee was right in calling attention to the circumstances alluded to in that document; that it was equally right in not proceeding further of his own authority—it is no part of the duty of an Official Assignee, unless directed by the Court, to go into evidence, and to instruct counsel or a solicitor, to oppose an insolvent's application for a certificate—his duty merely being, by his report, to call the attention of the Court to any matters he may consider deserving of its attention, leaving the Court to say whether the case is one in which the Official Assignee—who is a trustee for all the creditors, and bound to protect the general estate against needless costs—should incur expenses in resisting the grant of a certificate, unless the circumstances be such as to justify the Court in directing steps to be taken for the examination of witnesses, &c.; that in the present instance a great mass of evidence has already been taken, disclosing nothing which should disentitle insolvent to a certificate; that he did not, therefore, feel himself at liberty to give any directions to the Official Assignee that might have the effect of evolving further, and perhaps useless evidence; that insolvent's affidavit, in reply, had very much confirmed this view; and that no creditor had lodged objections to the insolvent's application. Under these circumstances he allowed insolvent his certificate."

IN THE ESTATE OF BENJAMIN BENJAMIN.

In this case, the insolvent was entitled to large and valuable assets, under the will of his father, and as his eldest son, in and to most valuable real property in Sydney, and other places. His father had been one of the wealthiest merchants in Sydney, and his estates had greatly increased in value after his death, by reason of the gold discovery.

The insolvent's creditors had known all this, and he had so got very large credit. The liabilities proved against him in the Court, in connection with E. Moses, amount to £17,273, and in his schedule he swears he owes £14,370.

At the third meeting, a partner of the firm of C. Newton, Brothers, and Co., who was appointed, with two other creditors, to manage the estate with the Assignee, did, by arrangement previously well considered with his colleagues, direct "that the Assignee should take counsel's opinion on the will of insolvent's father, with a view to ascertain the interest that passed to the insolvent thereunder, and the liabilities affecting the property." The will was a very long and complicated one, and of most difficult construction. The Commissioner, instead of at once ratifying such a reasonable direction, asked the Assignee whether he could not read the will himself, and decide what the interest was, to which the Assignee replied, that he did not feel so qualified in legal knowledge, and moreover, that he not only thought it necessary that counsel's opinion should be had on the will, but he believed that the insolvent having only a life interest in certain estates, it was probable that even the aid of other professional men besides lawyers would be necessary for the interests of creditors, such as medical men, and an actuary, to certify the value of the life of the insolvent, who was a healthy man, of about 23, for on the value of his life of course the worth of his interests in such last mentioned estates, would depend.

To all this reason the Commissioner peremptorily said he would not then ratify the direction. He said, in most extraordinary tone and manner, to the creditor who had proposed the direction, and who was still standing before him, "I will not authorize any such expense; let that creditor, if he thinks it necessary, go to the expense at his own cost of the investigation he proposes. I will not allow estates to be put to useless expense." He then said to the Assignee, "Let the Assignee send me a copy of the will, and when I have read it I will see whether I will allow any such directions."

The creditor referred to had been, as stated, delegated by the body of creditors to act and manage for them with the Assignee, and he was authorized by them to give the direction, and no creditor at the meeting dissented, for it was for general benefit.

C.

IN THE ESTATE OF LOUND AND GEARY.

THESE insolvents called a meeting of their creditors before sequestration, on the 23rd December, 1862, in the hope that creditors would permit them to go on, and shewed this statement of their affairs:—

	£	s.	d.
Assets	10,532	8	0
Liabilities	9,655	4	5
Surplus of Assets.. .. .	877	3	7

Creditors

Creditors determined that the case should go into the Insolvent Court, and the insolvents then set them at defiance, and would not sequester their estate. They at last, however, did so on the 4th February, 1863. They then shewed, by their sworn schedule, a great diminution of assets and increased liabilities, thus:—

	£	s.	d.
Assets	6,119	13	8
Liabilities	11,335	15	0
Deficiency in Assets	5,216	1	4

On February 19th, each insolvent applied to the Commissioner for an allowance, which, by the Act, can only be granted when made up to the second meeting, which in this case was on February 18th. However the Commissioner decided to grant an allowance, but postponed his order that he might settle the amount he would allow. In the meantime creditors determined to oppose any allowance being made, because the creditors felt that they were unworthy of an allowance.

The application stood over till after the third meeting, which was held on March 6. At the third meeting the whole of the creditors, except one, directed that all the store furniture at Singleton, should be sold. It had been valued at £132, and none of it was household furniture, but belonged jointly to the insolvents, as a firm, and had been used in the business for assistants, &c. The creditor who thought it ought to be given to insolvents, was the agent of a steam-boat company, and the Commissioner postponed his decision whether he would allow it or not, until after he had heard evidence, to be given by creditors in opposition to the application pending, for allowance of maintenance asked for, and that application.

All the house furniture possessed by insolvents, had been made over on a bill of sale, and removed under it before sequestration to the house of the father-in-law of one of them, at 11 o'clock p.m., on 24th December, the day after the creditors meeting, when they refused to give insolvents any further time, and demanded of them a surrender of their estate to the Insolvent Court.

The resolution at third meeting, was for the sale of all the store furniture. That resolution was, moved by the Trade Assignees' direction, by arrangement among the creditors, and seconded by one of them, a leading mercantile man. It was proposed, as an amendment, by the Steam Company's agent, that all the said furniture should be allowed to insolvents, but no creditor could be found to second the amendment. Nevertheless, the Commissioner reserved his decision whether he would allow this furniture or not; the creditors, therefore, in making opposition to the application for a maintenance, and the allowance of this furniture, had to bring from the country, several witnesses, at great expense. On the hearing ten witnesses were examined on behalf of the creditors, and three for the insolvents, and the result was, that the Commissioner had to refuse any maintenance or any allowance of the furniture. The proceedings were conducted on behalf of the creditors under their own direction, and by a solicitor appointed by the Trade Assignee, and the costs, with expense of witnesses, amounted to £132 17s. 2d. The Commissioner wrote the following minute on the certificate made on taxation of the bill by the Registrar:—

"I have read the annexed bill of costs and report, and heard the solicitor acting for the Trade and Official Assignee, also the Registrar and the Official Assignee.

"Costs to the amount of £132 17s. 2d., as taxed by the Registrar between solicitor and client, have been incurred by the Assignees in opposing an application by the insolvents for a small* allowance out of their estate, and which allowance, if granted by me, would not have amounted to more than £40 or £50.

"The circumstance is very much to be regretted, the more so as the Assignee's seek to charge the entire of these costs against the insolvent estate.

"To prevent such an occurrence for the time to come, the Registrar will apprise the Official Assignee, that when an insolvent applies for an allowance, the Assignee's only simply to report to the Chief Commissioner the state of the funds or assets in the matter, and whether, in his opinion, having regard to what he knows of the insolvent's conduct in the matter, he is or not deserving of the allowance which he seeks. If a creditor thinks right to incur serious expenses in opposing such an application, he should do so personally, unless there be some strong reasons to the contrary.

"In the present case the costs (though far from beneficial to the estate) were, I believe, incurred by the Trade and Official Assignees, with the sanction of a number of creditors. I will therefore pass the bill (taxed by the Registrar) as chargeable against the estate, but in no future case can I sanction an Assignee incurring such costs at the expense of the estate, unless there be some very special circumstances.

"16 June, 1863.

"ALFRED M'FARLAND."

The insolvent Geary soon applied for a certificate, and the creditors again had to oppose this application, and instructed their own solicitor on the subject.

The proceeding was gone into, and insolvent was allowed his certificate, with a four month's suspension.

Insolvent, in his examination, admitted that he had sold a quantity of drapery goods at Forbes for £350, to a man named Stevens, at 25 per cent. below the invoice price, for payment in a promissory note at four months, which he then sent down to Sydney for a particular creditor on the 21st November, and his account on oath, filed in court before his certificate application was heard, shews that bill, as received by him from Stevens on November 8, 1862. In his evidence given before, also his partner stated, "We closed the account with the Joint Stock Bank on 11th December, 1862; I stopped it because I was insolvent."

The costs of the creditors' solicitor for opposing the certificate, were taxed at £35 3s., and the Commissioner wrote the following minute on the Registrar certificate.

"On the present occasion the Assignees may pay out of the funds in the estate in this matter the annexed bill of costs, as taxed by the Registrar, between solicitor and client. But the Registrar will inform the Official Assignee that it is not part of his duty to take personal objections to the granting of a certificate to an insolvent, and to go into evidence in support of such objections without at least receiving express directions to that effect, from the general creditors, at a meeting convened for that purpose; the duty of the Official Assignee is merely to call the attention of the Chief Commissioner to the insolvent's conduct, and to the circumstances of the insolvency, as disclosed by the prior proceedings in the matter, according to the printed form used for that purpose, on applications by insolvents for certificates, leaving it to creditors, if so advised, to make a special case in opposition to the motion. And on no subsequent occasion, unless the circumstances be very special, can I allow an Official Assignee to debit an insolvent estate with costs incurred by him, in opposing by an expensive process the insolvent's application for a certificate.

"16 June, 1863.

"ALFRED M'FARLAND,
"Chief Commissioner."

"Mr. Sempill's attention has been requested to the above. 18/6/63.—A.C., Registrar."

The

* The insolvents did not specify in their notice how much they asked for, but only said "an allowance out of their estate."

The insolvent Geary was living at the "Freemason's Hotel," in no employment nearly the whole of the time, from the 8th December till the sailing of the ship "Strathdon," for London, in June, by which vessel he took his passage, and thus committed the offence of absconding from the Colony, for which the penalty provided is three years imprisonment with or without hard labour.

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

The humble Petition of the undersigned Merchants, Traders, and Manufacturers, and other Residents of the City of Sydney, and other parts of the Colony of New South Wales,—

SH EWETH :—

That your Petitioners have heard with alarm a recent decision of one of the Judges of Her Majesty's Supreme Court of New South Wales, which declares the illegality of the sequestration of many insolvent estates by the present Commissioner, Mr. M'Farland, and by which creditors' interests in such estates are largely endangered.

That your Petitioners regret that the assumptive acts of Mr. Commissioner M'Farland should have led to such a deplorable state of things, and they are of opinion that the interests of creditors in insolvent estates require immediate legislative protection and remedy.

That your Petitioners are of opinion that as insolvent estates are the property of the creditors they ought to be administered in accordance with their directions; and that the Act of Council which gives the Commissioner power to negative such directions is most injurious, placing, as it does in effect, the assets in estates solely under the control of the Commissioner, whose decisions, in several instances, have been very detrimental to the interests of the creditors.

That the Act of Parliament, 25 Victoria, No. 8, by placing the Official Assignees under the control and direction of the Commissioner, has greatly impaired their efficiency, deprived them in a great measure of the advice and assistance of creditors, and prevented the wishes of creditors from being satisfactorily carried out.

Your Petitioners, therefore, humbly pray, that your Honorable House will immediately enact such an ordinance as will remedy, without delay, the state of things at present existing, by an Act declaring past sequestrations valid for all proper purposes; and by a repeal of the Act of Council, 20 Victoria, No. 24, which makes directions of creditors subject to the ratification of the Commissioner; and by a repeal of the Act of Parliament, 25 Victoria, No. 8, except that part of it providing for appointment and duties of Registrar; and by enacting that the jurisdiction of the Supreme Court in Insolvency shall be administered by the Registrar, acting ordinarily as a Commissioner, subject to the Supreme Court, as an officer of that Court; and that the superior jurisdiction in Insolvency shall be administered by a Judge of the Supreme Court, by whom all sequestrations shall be ordered, and before whom all disputed proofs for debts shall be heard, with power to the said Judge to refer the same to a jury at *Nisi Prius*, on the application of creditors' Assignee, and before which Judge also all opposed applications for certificates should be heard, and all accounts current and plans of distribution be confirmed.

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

Gilchrist, Watt, & Co.	Lane & Co.	J. C. Peters.
How, Thompson, & Co.	C. T. Sandon.	F. Giles & Co.
Moses, Moss, & Co.	J. B. Tickle.	S. J. Santos.
Lamb, Parbury, & Co.	J. H. Anderson.	M. M'Mahon.
Young, Lark, & Bennett.	Brown & Co.	Dettman & Wright.
Allan, Street, & Norton.	J. Frazer & Co.	J. Coates.
Griffiths, Fanning, & Co.	A. M'Arthur & Co.	Mason & Carloss.
Elliott Bros.	Thacker, Daniel, & Co.	A. J. Watt & Co.
C. Newton, Bros., & Co.	Belby & Scott.	J. J. Moore.
Dangar, Gilchrist, & Co.	Smith, Peate, & Co.	C. Pugh.
E. Chapman & Co.	Meillon & Son.	A. E. S. Levy.
Prince, Ogg, & Co.	W. Beames.	J. & E. Row.
Keela & Co.	J. B. Holdsworth.	Younger & Son.
Stokes, Craig, & Co.	J. T. Armitage & Co.	J. G. Lender & Co.
M. Baar & Co.	J. & S. Thompson.	F. Korff.
Franck, Bros., & Gans.	A. Fairfax & Co.	Buyers & Co.
J. Duguid & Co.	S. Bennett & Co.	G. Moore & Co.
W. & S. Gardiner.	J. V. Lavers.	H. Machen.
G. S. Leathes & Co.	Hyam & Co.	J. Gillam.
F. M'Nab & Co.	J. Preston & Co.	T. S. Pope.
Tucker & Co.	Caird, Paterson, & Co.	G. M. Page.
H. Beauchamp.	Saddington & Sons.	C. Brown.
F. Lasseter.	Alderson & Sons.	J. G. Hanks.
Walford & Sparke.	Rabone, Feez, & Co.	J. Hurst & Co.
P. N. Russell & Co.	Scott, Henderson, & Co.	Davey & Hunter.
J. Harpur & Co.	Church, Bros.	Falser & Cowlshaw.
A. Haydon & Co.	Watkins & Leigh.	Callaghan & Co.
E. & W. Paul.	Ashdown & Co.	J. F. Holle.
W. Drynan & Co.	S. A. Joseph.	Fotheringham & Mullen.
E. Vickery.	Wilkinson, Bros., & Co.	Payten & Day.
R. Gray.	J. Kohn & Co.	R. Wynne.
Jackson & Hurley.	R. Dawson.	T. Abbott.
Bergin, M'Encroe, & Co.	Brush & M'Donnell.	Morey & Price.
E. Campbell.	R. B. Corkhill.	J. Macgreggor.
J. Levick & Co.	J. M. Clarke.	
Chatto & Hughes.	E. J. Scrivener.	

No. 2.

CHIEF COMMISSIONER OF INSOLVENT ESTATES to ATTORNEY GENERAL.

Supreme Court,
27 November, 1863.

SIR,

I perceive by a published report in the *Sydney Morning Herald* of this morning of a statement made by you in the House of Assembly last night, that a few days since "you were waited on by a number of mercantile men of eminence in this city, who presented a memorial to you, representing the extreme dissatisfaction that the mercantile community felt at the way in which the Insolvency Law is administered by the present Chief Commissioner."

That

That newspaper report of that statement is the first intimation, direct or indirect, that I have received either from you or any other person of any such memorial having been presented to you, and you have not, I believe, laid it upon the Table of the House of Assembly, but you have accompanied that statement by a representation in that Assembly of what passed between you and the memorialists at that interview.

I have, therefore, the honor to request, as a matter of common justice, that you will direct your Secretary to furnish me with a copy of that memorial, and of the signatures to it.

I have, &c.,

ALFRED M'FARLAND,
Chief Commissioner of Insolvent Estates.

No. 3.

ATTORNEY GENERAL to CHIEF COMMISSIONER OF INSOLVENT ESTATES.

*Attorney General's Office,
Sydney, 28 November, 1863.*

SIR,

I do myself the honor to acknowledge the receipt of your letter of yesterday, the tone and language of which I regret to be compelled to characterize as improper and unbecoming. The publicity given to the conversation which passed between me and the gentlemen who presented the memorial, was no more than would have taken place had a newspaper reporter been present (as is not unusual on such occasions), to take notes of what occurred. I have not, as yet, expressed any intention to act on that memorial. Should it be thought necessary by me to take any steps in reference to the complaints made against you, as a matter of course you will be first supplied with a copy of the memorial, and of the documents by which it was accompanied. On the other hand should I deem it my duty to take no further action in the matter, beyond submitting to Parliament an alteration of the Insolvency Laws, any reference to you will in that case be regarded by me as wholly unnecessary. The memorial and its annexures will be laid by me on the Table of the Assembly on Tuesday next, after which you will have an opportunity of obtaining the copies which you desire.

I have, &c.,

JAMES MARTIN,
Attorney General.

No. 4.

CHIEF COMMISSIONER OF INSOLVENT ESTATES to ATTORNEY GENERAL.

*Supreme Court,
30 November, 1863.*

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 28th instant.

In my opinion there was nothing "improper" or "unbecoming," either "in the tone or language" of mine to you of the 27th inst.

But you have done me a great wrong. Without a word of previous notice to me, you—the head of the profession of the Bar, and the Prime Minister of the Colony—have published, from your place in Parliament, that some accusations have been preferred to you against me by some third parties—*whom* I do not know, and *when* or *where* I do not know, but apparently aspersing me in the discharge of the duties of one of the most difficult and important judicial offices in, or connected with the Colony. And when I apply to you, as a matter of common justice, for the names of those persons, and for a copy of a written memorial, which (it seems) they submitted to you, you give me neither; and I am thus kept in ignorance of the specific complaints against me (if any there be), for five days after your general announcement to the public.

You say, that "the publicity given to the conversation which passed between you and the gentlemen who presented the memorial, was no more than would have taken place had a newspaper reporter been present (as is not unusual on such occasions)"; but I believe that no newspaper reporter was ever allowed to be present on any occasion until now, of private individuals assailing a judicial officer in the manner I have been assailed. And even if there be, that officer would, at least, have learned at once who his accusers were, and what the charges against him were; and he could have prosecuted those persons for any slander then uttered, and the newspaper proprietor for any libel then published respecting him.

It is to be regretted also, that you did not, before acting upon it in any way, inform yourself of the real, though underhand, influences and objects, that have led to that attack upon me.

I entertain the most sincere respect for the high offices you hold; but I also respect my own, and I cannot allow any man—be his rank or position what they may—to lessen *its* usefulness, and strike me down, unheard.

As

As to the other portions of your letter, I will merely say that I am not only ready to meet, but earnestly desire, the fullest enquiry into the present administration of our insolvency law ; for such an enquiry would prove (though I say it) that insolvent estates are now administered in one-half the time, and at one-third of the law costs, they formerly were ; and that there is no Court, either of bankruptcy or insolvency, in England or Ireland, in which, notwithstanding the many defects in our local law, itself, as you very well know, a larger dividend is secured for creditors, than in the much maligned Court of Insolvency in New South Wales.

I have, &c.,
 ALFRED M'FARLAND,
 Chief Commissioner of Insolvent Estates.

No. 5.

ATTORNEY GENERAL to CHIEF COMMISSIONER OF INSOLVENT ESTATES.

Attorney General's Office,
Sydney, 30 November, 1863.

SIR,

I do myself the honor to acknowledge the receipt of your letter of this day's date, the tone and language of which are, in my opinion, still more improper and unbecoming than the tone and language of your letter of the 27th instant. In addition to the memorial and its annexures, I shall lay a copy of the correspondence which has passed between you and me before the Assembly to-morrow.

I have, &c.,
 JAMES MARTIN,
 Attorney General.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHIEF COMMISSIONER OF INSOLVENT ESTATES.
(FURTHER CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 11 December, 1863.

CHIEF COMMISSIONER OF INSOLVENT ESTATES to ATTORNEY GENERAL, *enclosing a letter from Bankers, Public Companies, and Merchants, of Sydney, expressing confidence in his administration of the Insolvency Law.*

Sydney, 10, December, 1863.

SIR,

I have the honor to enclose a letter (the original), which has been this day handed to me by a deputation from Bankers, Public Companies, and Merchants, of this city,* in answer to a memorial, relating to me, which you laid upon the Table of the House of Assembly some days ago.

That letter is altogether the voluntary act of the gentlemen who have signed it (I have taken or had no part whatever in the matter); and I think it affords a complete refutation of that memorial, and of the assertions contained in it.

Will you have any objection to lay the letter upon the Table of the House (by the side of the memorial)?

If you do not object, I will feel obliged by your doing so.

I have, &c.,

ALFRED McFARLAND,
Chief Commissioner of Insolvent Estates.

[Enclosure.]

Sydney, 28 November, 1863.

Sir,

We regret to observe that the Attorney General, by his statements in the House of Assembly, appears to be under the impression, that the commercial community has lost confidence in your administration of the Insolvency Law.

We believe that it will be gratifying to you to be assured that, so far from this being the case, we are persuaded that our existing imperfect Insolvency Law has never been as equitably and conscientiously administered, or with a more perfect intention of protecting the unfortunate, punishing the dishonest, and economizing the charges which are incident to sequestrated estates.

Earnestly trusting that you may long retain your present office under an improved law,—

We remain,
Yours truly,

James Henderson, Bank of Australasia.	J. Thos. Ford, Manager, The City Bank.
J. C. Raymond, Union Bank.	McDonald, Smith & Co.
H. D. Bloxham, London Chartered Bank.	Jacob L. Montefiore.
Alex. Campbell, Manager, Agra Bank.	W. Dean.
Robert Napier, Manager, Commercial Bank- ing Company of Sydney.	S. A. Joseph.
A. H. Richardson, Genl. Manager, Aust. Joint Stock Bank.	Smith, Bros. & Co.
C. M. Smith, Manager, Pacific Insurance Company.	Franck, Bros. & Gans.
F. A. Stratford, Manager, English, Scottish, and Australian Chartered Bank.	A. Solnitz & Co.
	Benj. Buchanan.
	Beilby & Scott.
	Bligh, Harbottle & Co.
	Robert Graham.

* Mr. J. L. Montefiore and Mr. Alexander Campbell. I understand Mr. J. B. Watt was also to have been present, but was prevented by business engagements.—A.McF.

Gilfillan & Co.	Edye Manning (Secy., Illawarra Steam Company.)
Wolfen, Brothers.	J. V. Barnard.
N. Caston.	Alfd. Haydon & Co.
Laidley, Ireland & Co.	Durham & Irwin.
A. S. Webster.	William Jolly.
Prost, Kohler & Co.	J. H. Miller (Secy., Tomago Coal Comp.)
Benj. Darley.	Brush & MacDonnell
Lamb, Parbury & Co.	L. E. Threlkeld & Co.
Saml. H. Smyth (Secy., Marine Assurance Office).	Wm. Rae (Secy., United Insurance Comp.)
Saunders & Co.	A. & E. A. Levy.
John Binny & Co.	E. B. Cornish.
John Solomon.	Willis, Merry & Co.
Thomas Skinner.	Joseph Dyer (Sec., Sydney Fire Insurance Company).
W. D. Stewart.	John Cuthbert.
Harrison & Attwood.	Younger & Son.
Smith, Peat & Co.	W. Tucker.
Jos. Kohn & Co.	Tidswell, Wilson & Co.
John B. Watt (Mess. Gilchrist, Watt & Co.)	Goodlet & Smith.
Fred. Fanning (Mess. Fanning, Griffiths & Co).	Robt. F. Pockley.
F. C. Griffiths (ditto, ditto).	David Jones & Co.
J. B. Metcalfe & Co.	P. N. Russell & Co.
Tucker & Co.	Geo. Wilkie.
J. D. McLean.	Henry Beit.
John Brewster.	Wm. Drynan & Co.
M. E. Murnin.	Thacker, Daniell & Co., <i>per pro.</i> Robert J. King.
Molison & Black.	R. Towns & Co.
Leverrier, Curcier & Co.	Hy. H. Beauchamp.
How, Thomson & Co.	Frederic Lasseter.
John Young (Mess. Gilchrist, Watt & Co.)	L. Fred. Iredale.
Sheriff & Downing.	John Keep.
James Levick & Co.	Chas. Frith.
George A. Lloyd & Co.	W. W. Buckland.
Thos. S. Mort & Co.	S. Bennett & Co.
F. W. Binney (Secy., Wallsend Coal Company).	Falser & Cowlshaw.
Thos. C. Breillat.	John Brush.
Learmonth, Dickinson & Co.	Davd. B. Hughes.
J. Shoobert (Agent, Bulli Coal Company).	George Chisholm & Co.
Henry T. Fox (Secy., General Assurance Company).	

To A. McFarland, Esq.,
Chief Commissioner of the Insolvent Court,
&c., &c., &c.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ORDERS OF SEQUESTRATION IN INSOLVENCY.

(PETITION RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 31 July, 1863.

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

The humble Petition of the undersigned Merchants, Traders, Manufacturers, and other Residents of the City of Sydney and other parts of the Colony of New South Wales,—

SH EWETH :—

That your Petitioners have heard with alarm a recent decision of one of the Judges of Her Majesty's Supreme Court of New South Wales, which declares the illegality of the sequestration of many insolvent estates by the present Commissioner, Mr. M'Farland, and by which creditors' interests in such estates are largely endangered.

That your Petitioners regret that the assumptive acts of Mr. Commissioner M'Farland should have led to such a deplorable state of things, and they are of opinion that the interests of creditors in insolvent estates require immediate legislative protection and remedy.

That your Petitioners are of opinion that as insolvent estates are the property of the creditors, they ought to be administered in accordance with their directions ; and that the Act of Council which gives the Commissioner power to negative such directions is most injurious, placing, as it does in effect, the assets in estates solely under the control of the Commissioner, whose decisions, in several instances, have been very detrimental to the interests of the creditors.

That the Act of Parliament 25 Victoria, No. 8, by placing the Official Assignees under the control and direction of the Commissioner, has greatly impaired their efficiency, deprived them in a great measure of the advice and assistance of creditors, and prevented the wishes of creditors from being satisfactorily carried out.

Your Petitioners, therefore, humbly pray that your Honorable House will immediately enact such an Ordinance as will remedy, without delay, the state of things at present existing, by an Act declaring past sequestrations valid for all proper purposes ; and by a repeal of the Act of Council 20 Victoria, No. 24, which makes directions of creditors subject to the ratification of the Commissioner ; and by a repeal of the Act of Parliament 25 Victoria, No. 8, except that part of it providing for appointment and duties of Registrar ; and by enacting that the jurisdiction of the Supreme Court in Insolvency shall be administered by the Registrar, acting ordinarily as a Commissioner, subject to the Supreme Court, as an officer of that Court ; and that the superior jurisdiction in Insolvency shall be administered by a Judge of the Supreme Court, by whom all sequestrations shall be ordered, and before whom all disputed proofs for debts shall be heard, with power to the said Judge to refer the same to a jury at *Nisi Prius*, on the application of creditors' Assignee, and before which Judge also all opposed applications for certificates should be heard, and all accounts current and plans of distribution be confirmed.

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

[Here follow 106 Signatures.]

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(FEES RECEIVED IN INSOLVENCY JURISDICTION OF SUPREME COURT.)

Ordered by the Legislative Assembly to be Printed, 18 September, 1863.

RETURN to an *Order* made by the Legislative Assembly of New South Wales, dated 4 August, 1863, That there be laid upon the Table of this House,—

“ A Return of Fees received upon all proceedings in the Insol-
 “ vency Jurisdiction of the Supreme Court, from the 1st of
 “ January, 1860, to the 30th of June, 1863, distinguishing in
 “ detail the Fees taken month by month, on swearing Affidavits,
 “ on filing Affidavits, on filing Schedules, and on all other
 “ proceedings.”

(Mr. Holroyd.)

ADMINISTRATION OF JUSTICE.

RETURN of FEES received upon all proceedings in the Insolvency Jurisdiction of the Supreme Court, from the 1st of January, 1860, to the 30th June, 1863, distinguishing in detail the Fees taken month by month, on swearing Affidavits, on filing Affidavits, on filing Schedules, and on all other proceedings.

ADMINISTRATION OF JUSTICE.

1860.	Total, January.	Total, February.	Total, March.	Total, April.	Total, May.	Total, June.	Total, July.	Total, August.	Total, September.	Total, October.	Total, November.	Total, December.	Total, 1860.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Fees for— Presiding at Meetings of Creditors, and Minutes of the same	14 8 0	11 15 0	21 15 0	11 2 6	29 10 0	82 7 6	31 17 6	21 17 6	18 5 0	26 0 0	41 2 6	35 2 6	345 3 0
Filing Schedules, including Fees of First Meetings	40 17 6	50 10 6	45 15 0	70 10 0	75 18 6	54 15 0	53 18 0	86 7 0	64 9 6	56 15 0	54 14 0	46 19 6	706 9 6
Swearing and filing Affidavits, and Proof of Debts	0 19 0	24 15 0	40 18 6	17 16 0	25 18 0	28 13 0	16 2 0	26 4 0	38 8 0	29 10 0	38 12 6	24 1 0	311 17 0
Summonses	1 0 0	.....	.....	0 15 0	.....	2 10 0	.....	0 7 0	0 10 0	3 6 0	0 5 0	0 15 0	9 8 0
Searching	1 8 0	2 2 0	2 14 0	2 9 0	2 18 0	4 19 0	4 18 0	3 8 0	2 11 0	3 7 0	3 4 0	2 12 0	36 10 0
Copies of proceeding relative to Insol- vent Estates, and Certificates	4 19 6	8 6 0	6 11 0	12 3 6	5 0 6	6 18 0	6 4 0	6 3 0	4 17 6	5 5 0	5 11 0	5 19 6	77 18 6
Taxing Costs	4 4 0	1 1 0	0 5 0	2 2 0	.....	1 8 0	0 5 0	0 10 0	1 11 0	3 3 0	1 0 0	0 10 0	15 19 0
Taking Depositions .....	.....	.....	0 10 0	0 5 0	0 9 0	2 18 0	0 5 0	0 12 0	0 13 0	0 12 6	0 6 6	0 13 0	7 4 0
Orders	3 15 0	2 7 6	1 7 6	2 10 0	1 15 0	6 12 6	0 15 0	1 15 0	2 0 6	2 10 0	1 15 0	3 7 6	30 10 6
Plans of Distribution	0 12 6	.....	2 11 0	1 6 0	3 15 0	11 8 0	9 0 6	1 7 0	1 17 6	5 14 6	9 7 6	6 17 6	53 17 0
Messenger's Attachment	2 5 0	1 10 0	2 5 0	5 5 0	4 10 0	14 9 0	11 5 0	3 15 0	4 10 0	6 15 0	9 0 0	6 15 0	72 4 0
Exhibits .....	.....	3 1 0	4 4 6	1 5 6	2 16 0	1 12 0	1 4 6	2 5 6	8 18 0	3 4 0	4 4 0	3 14 0	36 9 0
Receiving Petitions of Insolvency	1 0 0	.....	.....	0 15 0	.....	1 10 0	.....	0 5 0	0 10 0	0 15 0	0 5 0	0 10 0	5 10 0
Warrants for the apprehension of In- solvents .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Warrants of Attachment of movable Property	0 2 6	.....	0 12 6	.....	0 12 6	1 7 6	1 5 0	0 2 6	0 7 6	0 10 0	1 5 0	0 15 0	7 0 0
Examining Witnesses .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Drawing Advertisements for the <i>Government Gazette</i>	0 12 6	.....	0 2 6	0 5 0	0 7 6	1 2 6	0 17 6	0 12 6	0 5 0	1 7 6	1 2 6	0 12 6	7 7 6
Appointments and Notices	0 3 0	0 12 0	0 19 0	1 4 0	0 17 0	0 13 0	1 1 0	0 13 0	0 10 0	1 0 0	1 1 0	0 12 0	9 5 0
TOTAL	£ 76 6 6	106 0 0	130 10 6	129 13 6	154 7 0	223 3 0	143 13 0	156 4 0	150 3 6	149 14 6	172 15 6	139 16 0	1,732 12 0

RETURN, &c.—Continued.

1861.	Total, January.	Total, February.	Total, March.	Total, April.	Total, May.	Total, June.	Total, July.	Total, August.	Total, September.	Total, October.	Total, November.	Total, December.	Total, 1861.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Fees for—													
Presiding at Meetings of Creditors, and Minutes of the same	20 12 6	36 0 0	44 15 0	59 2 6	59 12 6	75 10 0	66 1 6	37 2 6	29 5 0	52 2 6	85 17 6	28 17 6	594 19 0
Filing Schedules, including Fees of First Meetings	41 2 6	59 11 0	52 13 6	64 17 6	68 17 0	54 16 6	65 5 6	58 19 6	38 5 0	35 10 6	34 18 6	46 4 6	621 1 6
Swearing and filing Affidavits, and Proof of Debts	4 4 0	38 12 0	26 5 0	23 16 0	39 1 0	29 18 0	16 8 0	38 5 0	22 11 0	14 7 0	16 17 0	16 1 0	291 5 0
Summonses	0 10 0	5 17 0	0 5 0	1 0 0	0 15 0	3 0 0	2 10 0	0 15 0	0 15 0	1 0 0	0 5 0	1 5 0	17 17 0
Searching	2 0 0	2 14 0	3 11 0	4 7 0	4 1 0	4 13 0	4 9 0	4 4 0	2 11 0	4 11 0	5 0 0	2 19 0	45 0 0
Copies of proceeding relative to Insol- vent Estates, and Certificates	10 10 6	4 12 6	8 19 0	8 10 6	8 6 0	10 12 6	6 15 6	7 5 6	8 11 0	14 16 6	10 13 6	9 11 6	109 4 6
Taxing Costs	1 10 0	1 4 0	0 6 0	1 2 0	0 16 0	2 4 0	0 17 0	0 10 0	1 11 0	0 10 0	0 5 0	0 15 0	11 10 0
Taking Depositions	0 7 0	0 14 0	0 4 0	0 15 0	0 5 0	2 10 6	1 5 0	1 18 0	0 5 0	0 12 0	2 4 0	.....	10 19 6
Orders	1 0 0	4 2 6	1 5 0	3 12 6	3 0 0	4 5 0	2 12 6	1 15 0	4 5 0	2 15 0	2 0 0	5 10 0	36 2 6
Plans of Distribution	5 2 0	3 3 6	8 2 6	5 13 6	10 3 0	9 18 6	10 2 0	4 18 0	3 2 6	7 15 0	13 16 0	3 17 6	85 14 0
Messenger's Attachment	3 15 0	5 5 0	6 15 0	7 10 0	11 5 0	15 15 0	8 5 0	5 5 0	5 5 0	10 10 0	12 2 0	3 0 0	94 12 0
Exhibits	0 5 6	5 4 0	3 15 6	3 12 0	4 3 0	6 1 0	1 6 0	3 14 0	1 18 6	1 1 0	1 13 0	1 3 0	33 16 6
Receiving Petitions of Insolvency .....	.....	1 0 0	0 5 0	1 0 0	0 15 0	1 5 0	0 15 0	0 10 0	0 15 0	0 10 0	0 5 0	1 5 0	8 5 0
Warrants for the apprehension of In- solvents .....	.....	.....	.....	0 7 6	0 5 0	.....	0 5 0	.....	0 7 6	.....	.....	0 10 0	1 15 0
Warrants of attachment of movable Property	0 12 6	0 17 6	0 12 6	1 5 0	0 17 6	1 7 6	0 12 6	0 7 6	0 5 0	1 0 0	1 7 0	1 0 0	10 4 6
Examining Witnesses .....	.....	.....	.....	.....	.....	0 13 0	.....	0 6 0	.....	.....	.....	.....	0 19 0
Drawing Advertisements for the Government Gazette	0 7 6	0 10 0	0 5 0	0 12 6	0 12 6	1 5 0	0 7 6	0 10 0	0 12 6	1 0 0	0 15 0	0 17 6	7 15 0
Appointments and Notices	0 19 0	0 10 0	1 2 0	0 19 0	0 14 0	0 15 0	1 3 0	1 2 0	1 6 0	1 3 0	0 16 0	0 13 0	11 2 0
TOTAL	£ 92 18 0	169 17 0	159 1 0	193 2 6	213 8 6	224 9 6	189 0 0	167 7 0	121 11 0	149 3 6	188 14 6	123 9 6	1,992 2 0

RETURN, &c.—Continued.

1862.	Total, January.	Total, February.	Total, March.	Total, April.	Total, May.	Total, June.	Total, July.	Total, August.	Total, September.	Total, October.	Total, November.	Total, December.	Total, 1862.
Fees for— Presiding at Meetings of Creditors, and Minutes of the same.....}	£ s. d. 31 1 6	£ s. d. 23 5 0	£ s. d. 66 5 0	£ s. d. 23 2 0	£ s. d. 49 5 6	£ s. d. 47 2 0	£ s. d. 74 5 6	£ s. d. 47 11 0	£ s. d. 51 7 6	£ s. d. 18 0 0	£ s. d. 32 1 6	£ s. d. 51 14 0	£ s. d. 515 0 6
Filing Schedules, including Fees of First Meetings.....}	29 8 0	42 5 6	50 1 0	40 6 0	32 1 0	34 2 6	32 17 6	28 3 0	26 8 0	33 10 0	25 3 6	24 1 0	398 7 0
Swearing and filing Affidavits, and proof of Debts.....}	1 1 0	19 15 0	26 2 6	18 14 6	18 3 0	19 11 0	14 17 0	26 8 6	15 6 0	12 13 0	21 8 6	14 6 6	208 6 6
Summonses.....	0 10 0	4 0 0	3 0 0	2 15 0	5 0 0	2 15 0	1 15 0	2 7 0	1 0 0	3 10 0	2 0 0	4 0 0	32 12 0
Searching.....	1 16 0	3 0 0	2 18 0	2 15 0	3 8 0	2 19 0	3 4 0	3 17 0	3 14 8	2 12 0	2 15 0	4 4 0	37 2 8
Copies of proceeding relative to Insol- vent Estates, and Certificates.....}	8 8 0	13 9 6	7 2 6	5 12 6	6 9 0	8 15 6	5 10 0	9 4 6	5 11 0	8 5 0	9 6 6	5 7 0	93 1 0
Taxing Costs.....	0 15 0	0 15 0	2 5 0	2 8 0	1 0 0	2 0 0	3 10 0	4 13 0	0 5 0	0 6 0	0 5 0	1 7 0	19 9 0
Taking Depositions.....	.....	0 11 6	0 10 0	0 9 0	1 5 0	2 5 0	1 9 0	1 14 0	2 10 6	0 17 0	1 15 0	2 14 0	16 0 0
Orders.....	1 10 0	3 15 0	4 2 6	2 17 6	1 10 0	1 12 6	2 5 0	1 7 6	0 12 6	2 0 0	1 7 0	3 5 0	26 4 6
Plans of Distribution.....	4 13 0	.....	4 3 6	.....	4 8 0	5 10 0	8 6 6	3 7 0	8 10 6	1 2 6	2 9 0	5 3 0	47 13 0
Messenger's Attachment.....	3 17 6	0 15 0	9 15 0	1 10 0	5 15 0	9 0 0	6 15 0	9 15 0	6 15 0	0 15 0	4 4 0	9 0 0	67 16 6
Exhibits.....	0 6 6	1 2 0	2 4 6	2 10 6	2 6 0	2 13 0	1 7 0	1 16 0	0 13 6	0 19 0	1 9 0	0 18 0	18 5 0
Receiving Petitions of Insolvency....	0 10 0	1 0 0	1 0 0	0 15 0	0 5 0	0 5 0	0 10 0	0 5 0	.....	0 10 0	0 5 0	0 10 0	5 15 0
Warrants for the apprehension of Insolvents.....}	.....	.....	.....	.....	0 10 0	.....	.....	.....	.....	.....	.....	.....	0 10 0
Warrants of Attachment of movable Property.....}	1 0 0	0 12 6	1 2 6	0 2 6	0 10 0	0 12 6	2 2 6	1 2 6	1 17 6	0 10 0	0 17 6	2 2 6	12 12 6
Examining Witnesses.....	.....	0 5 0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0 5 0
Drawing Advertisements for the Government Gazette.....}	0 12 6	0 10 0	0 7 6	0 10 0	0 5 0	0 12 6	1 0 0	0 7 6	0 15 0	0 17 6	0 12 6	1 10 0	8 0 0
Fees for Appointments and Notices....	0 11 0	0 12 0	1 8 0	0 15 0	1 1 0	1 2 0	1 7 0	1 8 0	0 14 0	0 19 0	0 14 0	1 1 0	11 12 0
TOTAL.....£	86 0 0	115 13 0	132 7 6	105 2 6	133 1 6	140 17 6	161 1 0	143 6 6	126 0 8	87 6 0	106 13 0	131 3 0	1,518 12 2

RETURN of FEES received upon all proceedings in the Insolvency Jurisdiction of the Supreme Court, from the 1st of January, 1860, to the 30th of June, 1863, distinguishing in detail the Fees taken month by month, on swearing Affidavits, on filing Affidavits, on filing Schedules, and on all other proceedings.

	Total, Jan., 1863.	Total, Feb., 1863.	Total, March, 1863.	Total, April, 1863.	Total, May, 1863.	Total, June, 1863.	TOTAL, FIRST HALF OF 1863.	Total, 1860.	Total, 1861.	Total, 1862.	Total Half of 1863.	TOTAL OF 42 MONTHS. 1 January, 1860— 30 June, 1863.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Fees for—												
Presiding at Meetings of Creditors, } and Minutes of the same.....	13 10 0	23 5 0	34 7 6	29 5 0	36 0 0	67 5 0	203 12 6	345 3 0	594 19 0	515 0 6	203 12 6	1,658 15 0
Filing Schedules, including Fees of } First Meetings.....	24 7 6	30 16 0	33 13 6	29 13 6	24 15 0	33 11 0	176 16 6	706 9 6	621 1 6	398 7 0	176 16 6	1,902 14 6
Swearing and filing Affidavits, and } proof of Debts	2 7 0	18 2 3	20 3 0	19 15 8	13 1 0	4 1 0	77 9 11	311 17 0	291 5 0	208 6 6	77 9 11	888 18 5
Summonses	1 15 0	2 0 0	6 15 0	2 1 6	1 15 0	2 10 0	16 16 6	9 8 0	17 17 0	32 12 0	16 16 6	76 13 6
Searching	1 18 0	2 17 0	2 9 0	2 8 0	3 17 0	4 7 0	17 16 0	36 10 0	45 0 0	37 2 8	17 16 0	136 8 8
Copies of proceeding relative to Insol- } vent Estates and Certificates.....	1 12 6	10 17 6	13 6 6	5 17 6	13 12 6	4 17 6	50 4 0	77 18 6	109 4 6	93 1 0	50 4 0	330 8 0
Taxing Costs	1 2 0	1 2 0	1 15 0	0 10 0	0 15 0	1 0 0	6 4 0	15 19 0	11 10 0	19 9 0	6 4 0	53 2 0
Taking Depositions.....	.....	0 8 0	1 16 0	0 8 0	2 10 0	2 11 0	7 13 0	7 4 0	10 19 6	16 0 0	7 13 0	41 16 6
Orders.....	4 5 0	1 5 0	7 5 0	1 10 0	1 12 6	1 10 0	17 7 6	30 10 6	36 2 6	26 4 6	17 7 6	110 5 0
Plans of Distribution	0 15 0	2 11 0	2 9 0	2 6 0	7 4 0	8 7 0	23 12 0	53 17 0	85 14 0	47 13 0	23 12 0	210 16 0
Messenger's Attachment	0 15 0	5 5 0	5 5 0	2 5 0	7 10 0	13 10 0	34 10 0	72 4 0	94 12 0	67 16 6	34 10 0	269 2 6
Exhibits .....	.....	1 19 6	1 16 6	1 1 0	0 8 0	0 3 0	5 8 0	36 9 0	33 16 6	18 5 0	5 8 0	93 18 6
Receiving Petitions of Insolvency	1 10 0	0 5 0	2 10 0	.....	.....	0 10 0	4 15 0	5 10 0	8 5 0	5 15 0	4 15 0	24 5 0
Warrants for the apprehension of In- } solvents .....	.....	.....	.....	.....	.....	.....	.....	.....	1 15 0	0 10 0	.....	2 5 0
Warrants of Attachment of movable } Property.....	0 7 6	0 7 6	0 10 0	0 7 6	1 15 0	2 12 6	6 0 0	7 0 0	10 4 6	12 12 6	6 0 0	35 17 0
Examining Witnesses.....	.....	.....	.....	.....	0 15 0	.....	0 15 0	.....	0 19 0	0 5 0	0 15 0	1 19 0
Drawing Advertisements for the } Government Gazette	0 17 0	0 2 6	1 10 0	0 5 0	2 0 0	2 0 0	6 14 6	7 7 6	7 15 0	8 0 0	6 14 6	29 17 0
Appointments and Notices.....	0 9 0	0 9 0	0 19 0	0 7 0	1 0 0	0 17 0	4 1 0	9 5 0	11 2 0	11 12 0	4 1 0	36 0 0
TOTAL.....£	55 10 6	101 12 3	136 10 0	96 0 8	118 10 0	149 12 0	659 15 5	1,732 12 0	1,992 2 0	1,518 12 2	659 15 5	5,903 1 7

ADMINISTRATION OF JUSTICE.

NOTE.—The fees for holding meetings in Country parts of the Colony, and for the proof of debts thereat, are paid to and received by the Local Commissioners in Insolvency, for their own use, pursuant to Act 7th V., No. 19, sec. 4, and a Government Regulation. Those fees are the only remuneration allowed them. In 1862, and in the present year, the number of these officers has been enlarged from time to time (7th V., No. 19, sec. 2.) There are now fourteen such Commissioners throughout the Colony. Consequently, the amounts of fees paid into the Government Treasury, that are described in the first three lines of the annexed Tables, and of those for Exhibits, have been diminished during those years. In addition to the fees paid into the Treasury, about £20 a-month (or £240 a-year) are received for and paid to the Government Printer, for inserting advertisements of meetings of creditors, and other Insolvency business, in the Gazette. A fee of 1s. is also received for and paid to the Sheriff, for registering every order of sequestration (7th V., No. 19, schedule).

Sydney, 8 September, 1863.

ARCHD. CAMPBELL,
Registrar in Insolvency.

Sydney : Thomas Richards, Government Printer.—1863.

[*Price, 6d.*]

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MAGISTRATES SUPERSEDED.

(DISTRICT OF BRISBANE WATER.)

Ordered by the Legislative Assembly to be Printed, 26 June, 1863.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 18 December, 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 between the Executive
 “Government and any person or persons, and of all Memorials,
 “Petitions, Minutes, and Reports, having reference to the
 “late removal of Mr. Hovenden Hely, Mr. Lyall Scott, Mr.
 “James Harrison, and Mr. E. Hammond Hargraves, of the
 “District of Brisbane Water, from the Commission of the
 “Peace.”

(Mr. W. Forster.)

MAGISTRATES SUPERSEDED.

THE Attorney General very much regrets that he is compelled to bring under the notice of the Honorable the Colonial Secretary, the very extraordinary conduct of certain Justices of the Peace, acting at Brisbane Water, during the present year.

From depositions in earlier cases, as detailed in the printed papers in *Hargraves v. Seaman*, herewith sent, the Attorney General had thought that the Brisbane Water Magistrates manifested strong personal antipathies among themselves, but during the present year their transactions have assumed a character, and produced public results, which have a very strong tendency to interfere with the administration of justice in that district.

Queen v. W. J. Nunn.

1. On the 13th February, Messrs. Hely, J.P., Scott, J.P., and Harrison, J.P., wrote and sent to the Attorney General a letter charging a Mr. W. J. Nunn with "suppressing a warrant, and compromising a felony."

Mr. W. J. Nunn (who is a Magistrate of the Territory, though not so described by the above Magistrates) and residing at Brisbane Water, and acting with the same J.P.'s., by a letter dated February 15th, wrote and sent a tolerably consistent explanation of his conduct.

The Attorney General replied to both these communications by memoranda, which in effect recommended the three Magistrates abovementioned to exercise their own judicial powers against Mr. Nunn on such evidence as they might think sufficient.

On or about the 11th March an inquiry appears to have taken place into the charge against Mr. Nunn, upon a special day; but it is said by Messrs. Osborne and Hargraves, in a letter dated March 11th, that a special day was unusually fixed for this case, and that no sufficient notice was sent to the other Magistrates of the district. At that inquiry Messrs. Osborne and Hargraves, after hearing the evidence in support of the charge, thought the case ought to be dismissed, but Mr. Harrison differed, and signed the order for committal, Mr. Scott, he says, "concurring in the committal," but that Magistrate not signing the depositions or committal.

2. No sooner is this most serious charge made against Mr. Nunn than both parties on this judicial Bench write to the Attorney General the three following letters, mutually complaining of each other:—

By letter dated 11th March, Messrs. Osborne and Hargraves complain of the "marked feeling displayed by Mr. Harrison against Mr. Nunn," and that "Mr. Harrison had snatched the depositions out of Mr. Hargraves hand, so as to tear them, &c."

By letter dated the next day (March 12th,) Mr. Harrison complains that Mr. Hargraves "repeatedly put leading questions to the witnesses, and words into their mouths;" that he also, in a burst of passion, snatched the depositions out of Mr. Harrison's hands, and evidently intended to impute malice.

By letter dated March 13th, Mr. Scott also complains that he and Mr. Harrison, on taking their seats on the Bench, "were assailed by Mr. Hargraves in his usual style "of violent abuse; that he gave Mr. Harrison the lie direct, and used language unbecoming "a Magistrate or gentleman, and repeats the charge against Mr. Nunn of destroying "evidence."

On Mr. Harrison's sole committal, however, the depositions are forwarded to the Attorney General, and have been under his most careful consideration.

While the above matter against Mr. Nunn, J.P., seems to have occupied these Magistrates, an information against Mr. Scott, J.P., for arson, was also under their investigation on February 11th, 20th, and March 6th and 13th, but this charge seems to have been withdrawn by the prosecutor or dismissed by Mr. Harrison—(See the memorandum dated this 13th March, as follows—"The Court were of opinion they had no jurisdiction," and dismissed the information.)

J. H., J.P.

On the very same day (March 13th) the same case seems to have been adjourned by the same Mr. Harrison till the 27th, when these four Magistrates—Messrs. Hargraves, Hely, Nunn, and Harrison—make the following memoranda:—

"Having considered the evidence, and defendant having been cautioned in the usual manner, the Bench divided in opinion, Messrs. Hely and Harrison being of opinion that no case had been made out, that under the circumstances the Bench would have no jurisdiction; they considering that complainant's remedy (if any) must be sought by civil action.

"HOVENDEN HELY, J.P.
"JAMES HARRISON, J.P."

2nd Memoranda:—

"Messrs. Hely and Harrison withdrew from the case previously to committal, and afterwards returned to the Court, and made the above remarks during our absence.

"E. H. HARGRAVES, J.P.
"W. J. NUNN, J.P."

To

To which memorandum Messrs. Hely and Harrison retort as follows, by memorandum on the depositions :—

“ The latter statement is false. We expressed our opinion previously to withdrawing from the case, and on our return to sign the depositions, as our names appeared on the proceedings, we deemed it our duty to state our reasons for acting as we did, in withdrawing.

“ HOVENDEN HELY, J.P.
“ JAMES HARRISON, J.P.”

These depositions, in the *Queen v. Scott*, were also duly forwarded to the Attorney General by Messrs. Hargraves and Nunn, the committing Magistrates, with a letter, dated 28th March, containing the following passage :—“ We beg to call your attention to what we consider a great irregularity. During the hearing of this case, Mr. Hely entered and took his seat, and we suggested to him the propriety of having the depositions read over to him, but he imported himself into the case without adopting our suggestion, which we beg to point out.”

3. On the 13th March Mr. Scott, J.P., laid an information for perjury against Mr. Tomlinson, the principal witness in the charge of arson against Mr. Scott ; and on the 28th March this perjury charge came on before the same Magistrates, Messrs. Hely, Harrison, Hargraves, and Nunn, with the following result, as appears by the memoranda :—

“ Mr. Harrison having intimated his intention to commit the prisoner, Messrs. Nunn and Hargraves are of a different opinion, and believe that no case has been made out, and therefore withdraw from the case.

“ E. H. HARGRAVES, J.P.
“ W. J. NUNN, J.P.”

“ Mr. Hely, not believing that a very strong *primâ facie* case has been made out, but still considering there are some grounds for the charge, was of opinion that the depositions should be sent to the Honorable Attorney General, the defendant being in the meantime bound over, on his own recognizances, to appear if called on.

“ H. HELY, J.P.”

The prisoner was then committed for trial by Mr. Harrison alone, and the depositions have been duly forwarded to the Attorney General.

Lastly, on the 10th April, Mr. Hely, J.P., wrote and sent a letter to the Attorney General, as follows :—

“ *Police Office, Gosford,*
“ 10 April, 1862.

“ Sir,

“ My attention has just been called to a copy of a letter written by Messrs. Hargraves and Nunn, J.P.'s, forwarding depositions in the case named in the margin, in the concluding paragraph of which they state ‘ that Mr. Hely imported himself into the case after it had commenced, and that though they suggested the propriety of having the depositions read over to him, he took his seat without adopting that suggestion.’ In reference to this statement, I have simply to say that it is a wilful and deliberate perversion of the truth ; the true facts of the case being that the Court opened at 11 A.M. ; that in about a quarter of an hour afterwards I took my seat, the complainant, Tomlinson, being at that time, and for upwards of an hour afterwards, in the witness box, and that his evidence concluded, I heard the whole of it read from the commencement, in common with the other members of the Bench. I then retained my seat till the conclusion of the case, about half-past 7 P.M.

“ I have, &c.

“ HOVENDEN HELY, J.P.”

Now, with regard to the charges themselves, the Attorney General has felt not the slightest hesitation in at once declining to prosecute Mr. Scott for arson, upon the depositions sent by Messrs. Hargraves and Nunn. Nor has the Attorney General felt much hesitation in the other two cases, viz. :—The charge against Mr. Nunn for compounding a felony, and the charge against Mr. Tomlinson for perjury. In the former of these cases Mr. Harrison has placed a criminal construction unnecessarily on the conduct of Mr. Nunn, his brother Magistrate, which criminal construction no jury could be found to take, of conduct which plainly was only the proper leniency of a humane master towards a poor servant girl. The Attorney General has therefore declined to prosecute in this case, though every possible weight has been given to Mr. Harrison's opinion on the case.

As to the 3rd case—the charge of perjury against Mr. Tomlinson—the depositions shew that Mr. Harrison received much hearsay evidence, very improperly, against Mr. Tomlinson ; and although some of the statements made by Mr. Tomlinson in his evidence on the arson charge, appear rather extraordinary upon Mr. Scott's view of his civil rights in the matter of dispute, yet these statements are plainly to be accounted for by the very different view which Mr. Tomlinson took of his civil rights in the matter of dispute, and the Attorney General has therefore also declined to send this charge to any jury.

Independently, however, of the very grievous display of personal animosity towards each other, which the above cases have brought under the Attorney General's notice, and the great waste of public time arising from these groundless charges, made by acting
Magistrates

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Tomlinson.

Queen v. Scott.

Magistrates against each other, it seems to the Attorney General that he is bound to bring the whole of these transactions under the consideration of the Honorable Secretary, with a view to his taking such steps (if any) as he may think expedient, to prevent the public administration of Justice, among the inhabitants of that district, becoming a byword throughout the Colony, and disgraceful to any Government having the power to control such proceedings.

May 16, 1862.

JOHN F. HARGRAVE, A.G.

BENCH OF MAGISTRATES, GOSFORD, to ATTORNEY GENERAL.

*Police Office, Gosford,
13 February, 1862.*

SIR,

We do ourselves the honor to inform you, that on the 7th instant, an information was laid before a Magistrate of this Bench, by Mr. William John Nunn, upon which a search warrant was granted for the premises of one Joseph Buckton. Upon attending the Court this day we found there had been no return to the warrant referred to, which had been suppressed, and the offence compromised by Mr. Nunn. Upon questioning the chief constable, we found he had never seen the warrant till this morning. We have taken a deposition from Daniel Dunn, the constable who accompanied Mr. Nunn, which we now forward, together with the information and search warrant, which we deem it our duty to do, leaving the matter in your hands to deal with as you may think advisable.

We have, &c.,

HOVENDEN HELY, J.P.
LYALL SCOTT, J.P.
JAMES HARRISON, J.P.

W. J. NUNN, Esq., J.P., to ATTORNEY GENERAL.

*Royal Hotel, Sydney,
15 February, 1862.*

SIR,

Having seen the copy of a letter addressed to you by a portion of the Magistrates of the Brisbane Water Bench, referring to a search warrant obtained by me for the premises of Joseph Buckton, I have the honor to state, for your information, the circumstances connected with the case in question.

A girl, by name Sarah Buckton, who has been in my service for the last four years as servant, asked leave to go to her home to spend the day on Friday, the 7th inst. In the course of that day I missed £5 from my desk; thinking she had taken the same, I laid an information, and obtained a search warrant for the premises of her father, which search warrant and information I handed to Constable Dunn, who I accompanied to Buckton's house. Upon arrival there, I accused Sarah Buckton of taking the money, which she denied. Mrs. Buckton, the mother of the girl, said the constable might search her, that is, the mother; and for that purpose, I imagine, she commenced to unfasten her gown, when I saw two notes, which I took and handed to the police constable. She said she had received the notes from Mr. Drew. For the purpose of arriving at the truth, and frightening the parties, I said there was a mark on one of the notes which I could identify (but which I could not have sworn to). Mrs. Buckton still declared she had received the notes from Mr. Drew. Seeing the ends of justice could not be arrived at, and taking into consideration the youth and inexperience of the girl (her age being sixteen years), that she had lived so long in my service, and that she had recently attended Mrs. Nunn in a long illness, I told her if she would confess, and tell me the whole truth, I would not expose, and thereby ruin her character. She at last called me out of the house, and told me she had taken the money that morning, and for which she was evidently extremely penitent. I then told her she must leave my service, but that she might return that evening for her clothes, which she did.

Immediately on leaving Buckton's house, I went directly to the Clerk of the Bench, and reported to him the whole of the circumstances of the case.

With reference to my having suppressed the search warrant, such a statement is entirely without foundation, it not having been in my possession five minutes before I handed it, together with the information, to Constable Dunn, who had it the whole of the time, although it was never produced or read. I never saw the information or search warrant again after giving it to the constable, and informs me he lodged them in the Police Office the same day. The following Thursday, being Court day, I did not attend, in consequence of having to come to Sydney, being bound to attend the Quarter Sessions as evidence against William Devenport, for assault with intent, and upon which day the Magistrates addressed you upon the subject. Permit me to observe, that I did not in any way interfere with the police constable in reporting to the Bench the result of the search warrant.

I beg further to observe, that so soon as the case is over upon which I have to appear as evidence, I shall do myself the honor of waiting upon you, for the purpose of offering you any further explanation you may require, or affording you any information with reference to this matter.

I have, &c.,

WILLIAM JOHN NUNN.

(Depositions)

*(Depositions of Witnesses.)*The Queen *v.* Nunn, for compounding felony.New South Wales, }
to wit. }

THE examination of Daniel Dunn, of Gosford, in the Colony of New South Wales, constable; Sarah Buckton, and George Buckton, of Narrara, Brisbane Water, in the said Colony, sawyer, taken on oath this 10th day of March, in the year of our Lord one thousand eight hundred and sixty-two, at Police Office, Gosford, in the Colony aforesaid, before the undersigned, four of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of William John Nunn, who is charged this day, before us, for that he, the said William John Nunn, on the 7th day of February last, at Narrara, Brisbane Water, in the said Colony, accompanied by one Constable Dunn, did enter the hut of one Joseph or George Buckton with a search warrant, charging one Sarah Buckton, his servant, with stealing from his premises five £1 notes. After searching the said Sarah Buckton, and about to search her mother, Esther Buckton, on opening her dress he, the said William John Nunn, saw and took possession of two notes, one of which he identified as his property, 18s. 3½d. being also found in her gown pocket. Constable Dunn, upon searching the bedroom, was called out by the said William John Nunn telling him "It was all right; the girl had owned to taking the money, as I made my promise to forgive her," and taking possession of the money so found; thereby compounding the said felony by releasing the said parties from the custody of the constable aforesaid.

Daniel Dunn, of Gosford, constable, on his oath, saith:—On Friday, the 7th February, in the afternoon, Mr. Nunn rode up to the lock-up and told me he wanted me; told me if I could get a horse he wanted me to go in haste; I told him I could not get one; I proceeded with Mr. Nunn to the house of one Buckton, mentioned in the search warrant produced; before we got to the house he handed me the search warrant, and informed me that his girl, Sarah Buckton, had taken five £1 notes from him; he rode up to the house before me, and got into the hut before I got in; he said, in my presence, "Sarah, if you have taken those notes and will give them up, I will forgive you; but if you do not, the law shall take its course;" she denied taking it, and also denied having taken it to me; I searched her partly; she said she was sick, and could not be further searched; I told her she must then come to the lock-up; I then ordered her mother to strip; Mr. Nunn asked her if she had any money about her; she denied having any except a couple of shillings; on opening her stays two notes were visible, which Mr. Nunn took hold of, and she did not perceive his doing so; he further asked if she had any money in the house; she said she might have a couple of pounds; in searching her gown I found 18s. 3½d.; Mr. Nunn told me he could identify one of the notes found in the possession of Esther Buckton; he shewed me a pencil mark upon it; I then went into the bedroom and turned the contents out of a box; I was then called out by Mr. Nunn who told me, "It was all right; the girl had owned to taking the money, as I made my promise to forgive her."

Examined by the Court: He had a conversation with the girl on one side which I could not hear; he took possession of the £2; he had it in hand; he gave me the notes, and I rolled up the silver in it; I had it in possession till Mr. Nunn said it was all right; I then gave it up to him, and he told the girl to come back in the evening till we see about it; when the money was handed to me by Mr. Nunn, the note Mr. Nunn identified was amongst them; I considered the parties were my prisoners at the time; I did not let them go on my own responsibility; if Mr. Nunn had not been a Magistrate I should have taken them and the girl, being his servant; on return to Gosford with Mr. Nunn, he inquired at Barron's store if Esther Buckton and her daughter had bought anything there; she said they had, to the amount of 7s., and had changed a pound note; we met Mr. Grey, the storekeeper, on the road, and he was asked if the same parties had bought anything at his store; he said they had; he said his wife, Mrs. Grey, had taken from them two £1 notes, but he was not present; I reported the matter to the Chief Constable the following day.

DANIEL DUNN.

Sworn before us, this 13th February, }
1862, at Gosford,— }HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
LYALL SCOTT, J.P.

Henry Worley, of Gosford, Chief Constable, on his oath, saith:—The warrant now produced has never been in my possession; I have never seen it till to-day; it is a warrant to search the premises of one Buckton upon the information of Mr. William John Nunn.

HENRY WORLEY.

Sworn before us, this 13th February, }
1862, at Gosford,— }HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
LYALL SCOTT, J.P.*Daniel*

Daniel Dunn, of Gosford, constable, on his former oath, saith :—I received the warrant with the information from the hands of Mr. William John Nunn ; he gave it me when upon the road.

DANIEL DUNN.

Sworn before us, this 13th February, }
1862, at Gosford,— }

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
LYALL SCOTT, J.P.

This deponent, *Daniel Dunn*, on his oath, saith as follows :—

Examined by Court : And his affidavit of the 13th February last having been read over to him in defendant's presence, states it to be true, and further saith :—It was a matter of pure benevolence on the part of Mr. Nunn, in my opinion, and I do not believe he had any corrupt motive, but that he acted on Christian principle ; I believed the prisoner to have been in my possession till Mr. Nunn said he forgave her ; I then did not ask ; Mr. Nunn said nothing to me on the road about the girl's mother ; there was a note identified by Mr. Nunn on the person of Esther Buckton ; two notes were found on her person ; I considered them both my prisoners, till they were released ; I had the two notes and 18s. and coppers in my possession ; when Mr. Nunn forgave the girl, I handed the money to him ; I thought I had a right to do so ; I thought a Magistrate had that power ; the chief constable generally gives me the warrant ; on former occasions he has done so ; I should not of my own accord have prosecuted Mr. Nunn, but I was ordered by the Bench to make an affidavit ; I did not believe that Mr. Nunn was actuated by any corrupt motive, but from pure benevolence in the matter ; I am not aware of there having been any bad feeling between Mr. Harrison, the Magistrate, and the defendant ; I should not have instituted these proceedings myself ; I have been in the Police force about (7) seven years ; the usual Court day has been on a Thursday ; I have known the Court to sit in a special case on a Saturday—it was a case of felony ; it is not usual ; I heard Mr. Nunn say to the girl that if she owned and gave up the money, he would forgive her ; I did not hear what she said ; I heard her confess she had taken the money ; I did not caution her ; I gave the notes to Mr. Nunn ; I was ordered by the Bench to make an affidavit as to what had been done with the warrant ; I can't say whether Mr. Nunn asked me for the money ; I gave it up when he released the parties ; I don't know whether Mr. Nunn asked me for the £2 odd shillings, but I thought I was justified in giving it when he released the parties ; when I returned home I considered the matter at an end ; if I thought Mr. Nunn had acted corruptly in compounding a felony, I should have informed the Magistrates, and prosecuted ; I reported the matter to the chief constable the following morning, and explained the circumstance of how the warrant was executed ; he expressed no dissatisfaction that I can recollect ; if he had passed any remark of importance I should have recollected it ; Mr. Nunn made no scruple to take the money when I handed it to him ; I thought the matter at an end when he released the parties and forgave them ; as he was a Magistrate I thought he had that power.

Examined by Defendant : I did not lay the information of my own account ; Mr. Harrison and Mr. Hely (I believe Mr. Hely spoke), gave me directions to give an account of the warrant—(Mr. Scott was also on the Bench) ; on the Thursday I was put into the box, and examined by the Bench ; I gave the account, and answered some questions ; I think I was questioned by each member of the Bench ; you were not present on that occasion ; you did not tell me not to report the matter ; you made no secret about it ; you spoke to every person you met, both to Barron and Grey ; I don't think you cared who knew about it ; when we got on the road you gave me the warrant, after passing Worley's ; when we got to the house, Mrs. Buckton, on being questioned, thought she had a couple of shillings ; after searching the girl, when I desired Mrs. Buckton to strip, she took off her gown ; after Mr. Nunn examined the note taken from her, he handed it to me ; I got 18s. 3½d. out of her pocket ; I don't remember her saying she got them from Mr. Drew ; you said the notes were of the Bank of New South Wales ; when we looked at them there was a note of another bank ; you turned the note, and shewed me a pencil mark ; I could not swear on which of the notes the mark was you shewed me ; it shone like pencil ; I could not swear it was a pencil mark ; it was a scratch ; it was after the finding the notes that the girl confessed she had taken the money from you ; I urged her to confess—" You hear what the gentleman says : if you'll confess he'll forgive you " ; I do not recollect your saying that the note was marked on purpose to frighten the girl ; you may have said so ; after she confessed, there was great crying and screaming by her mother ; the scene was quite sufficient to induce you to forgive the girl ; you gave me no orders not to take them to the watch-house ; you did not tell me to take her to the lock-up ; you did not prevent my taking her ; you did not say take her or don't take her ; you said you were generally severe, but, being young, you would forgive her if she'd confess ; after getting the search warrant and information you did not ask it of me again ; when I came back I put it in the book where I keep all the warrants, the same day ; I am not aware that the Magistrates wrote to the Attorney General, stating that you had suppressed the search warrant ; I made no endorsement on the warrant ; I might have said if it had been the old woman she would not have confessed ; I am sure you forgave her out of kindness and charity towards her ; you did not tell me to take her or not to take her when you said you forgave her ; it would be a most unmanly thing, after extorting a confession from
the

the girl, to have taken advantage of her by prosecuting her; I considered it manly if the party acted up to the promise; if she had been an old criminal you would not have got a confession from her; I don't know of any bad feeling existing between Mr. Harrison and yourself.

Examined by Court: I have been about seven years in the Police; I believe the receiver the greatest criminal; I believe the old woman in this case is the greatest; I took Mr. Nunn's forgiveness to extend to both parties; before going to the house Mr. Nunn did not say anything with regard to the identification of the property before the note was handed to me.

Examined by Defendant: You never made any charge against the old woman; I don't recollect your asking me for the money, but I gave it you when you forgave the parties.

DANIEL DUNN.

Sworn before us, this 10th March, }
1862, at Gosford,—

JAMES HARRISON, J.P.
JOHN A. OSBORNE, J.P.
LYALL SCOTT, J.P.
E. H. HARGRAVES, J.P.

And this deponent, *Sarah Buckton*, on her oath, saith as follows:—

Examined by the Court: I know the defendant; I know the Lord's Prayer, but not the Ten Commandments; I never went to school; I do not know of the nature of an oath; I know that it is improper to tell a lie; I can't say what should be done to people; I have heard of Heaven and Hell; I think I should be punished if I spoke falsely; I heard of Jesus Christ, that he came into the world to redeem mankind; I have heard that He died to save sinners, and that He was nailed to the cross; I have never been at school; I have heard in Church that Jesus Christ came into the world to save sinners; I recollect the 7th February last; I recollect Mr. Nunn and constable coming to the house; I can't recollect what took place; I don't recollect what Mr. Nunn said; Mr. Nunn accused me of stealing money; I don't recollect Mr. Nunn saying he would forgive me if I confessed; Mr. Nunn and the constable came to our house; he did not read anything authorizing him to search the house; I did not hear anything read; I did not understand the nature of the warrant; had it been read I should not have known; I did not hear him explain the warrant; I don't recollect whether the constable asked whether I took the five £1 notes; the constable was there to see if we had taken the money; I don't know what money it was; I heard Mr. Nunn say he had lost some money, and if I had taken it; constable did not search me; he searched my mother; I don't know if he found any money on her person; Mr. Nunn did not tell me that money had been found on my mother's person; he did not tell me he had identified a note found on her person; I don't wish to answer the question if Mr. Nunn said he'd forgive me; I saw money in Dunn's possession; Dunn had 10s. from me; I put it on the table and he took it up; I don't wish to answer who it belonged to; I did not see any other money in his possession; I did not intend the money for him; I put it on the table and he took it up; I did not see any money in Mr. Nunn's possession; Dunn did not search the house; I don't know what he did after taking up the 10s.; I don't remember their saying anything to me when they went away; I cannot remember Mr. Nunn saying anything when he went; I saw no other money; I did not hear my mother say anything to Mr. Nunn; my mother was not crying when the constable was in the house; I don't remember saying much; I don't remember hearing any noise.

Examined by Bench: (Witness on being called on to repeat the Lord's Prayer repeated it correctly.) I don't know any other prayers; I repeat the Lord's Prayer night and morning.

Examined by Defendant: I have lived in your service three years and a month; the day you came to the house I don't remember you saying that I might come back in the evening; I remember my father coming over the day after; I did not go home that day because it was wet; I left on the Monday.

Examined by Bench: I went back to Mr. Nunn's on the Friday evening.

Examined by Defendant: You have never seen or spoken to me since about this business; you gave me no good advice.

Examined by Constable Dunn: When I took it out of my pocket (the 10s.) you took it up.

Examined by Court: I was in the same room with the constable and my mother; I did not see him put his hand into my mother's pocket; I did not see Mr. Nunn near her.

Examined by Defendant: I only put 10s. on the table; it was half-a-sovereign.

Examined by Court: I have been living at my mother's since; I have not seen Mr. Nunn since I left there.

Examined by Defendant: Since I have been at the house Mr. Nunn has not spoken to me about the business.

Sworn before us, this 10th March, }
1862, at Gosford,—

JAMES HARRISON, J.P.
JOHN A. OSBORNE, J.P.
LYALL SCOTT, J.P.
E. H. HARGRAVES, J.P.

her
SARAH × BUCKTON.
mark.
Witness to signature,—
THOS. C. BATTLE, C.B.

Recalled:—

Recalled:—

Examined by Court: This deponent, Constable *Daniel Dunn*, on his oath, saith:— I had a warrant in my hand; I did not read the warrant, but I explained the contents; I told them I had to search the prisoner for five £1 notes stolen from Mr. Nunn; I explained the nature of the warrant—(Mr. Hargraves objected, his opinion being that the warrant, not having been read, was not legally put in force.)

DANIEL DUNN.

Sworn before us, this 10th March, }
1862, at Gosford,—

JAMES HARRISON, J.P.
JOHN A. OSBORNE, J.P.
LYALL SCOTT, J.P.
E. H. HARGRAVES, J.P.

Hearing of this case remanded till to-morrow morning at 10 o'clock for further evidence.

J. H., J.P.
J. A. O., J.P.
L. S., J.P.
E. H. HARGRAVES, J.P.

This deponent, *Daniel Dunn*, on his oath, saith as follows:—

Examined by the Court: When I entered the house of Buckton, both his wife and daughter denied all knowledge of the robbery; it was after the note was identified, and in my possession, that the confession was made; having the note in my possession I considered I had evidence against the elder Buckton; the documents now produced are the information and search warrant which Mr. Nunn handed me; I held the warrant in my hand, but did not read it; I explain the nature of the document, and explained it, telling them I had a warrant; if I had a warrant to execute to-day I should unfold it and read; I am satisfied I did wrong in not reading the warrant in this case; I am watch-house keeper, and not accustomed to execute warrants; I have thought over the matter, and I am still of opinion that Mr. Nunn acted from benevolent and Christian motives, and was not actuated by corrupt motives in any way.

Examined by Defendant: You did not tell me *not* to take Mrs. Buckton to the lock-up; you gave me no orders, with reference to Mrs. Buckton, at any time—with the exception of the day upon which I received the warrant from him, and ordered me to search the premises.

DANIEL DUNN.

Sworn before us, this 11th March, }
1862, at Gosford,—

E. H. HARGRAVES, J.P.
JOHN A. OSBORNE, J.P.

New South Wales, }
To wit.

THE information and complaint of *William John Nunn*, of Erina, gentleman, taken this 7th day of February, in the year of our Lord 1862, before the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony aforesaid, who saith:— Last night I put into my writing-desk £32 in £1 notes; this morning I went to my desk, and found it had been opened, and five £1 notes extracted therefrom; I suspect my servant, Sarah Buckton, to have stolen the said notes, as she asked leave to go home this morning, and other suspicious circumstances; and I believe she has taken the money with her to her father's house, one Joseph Buckton, and pray a search warrant may be granted for his premises.

WILLIAM JOHN NUNN.

Taken and sworn before me, }
the day and year first before- }
mentioned, at Gosford,—

JAMES HARRISON, J.P.

Search warrant for stolen goods and chattels.

New South Wales, }
To wit.

By me, James Harrison, Esquire, one of Her Majesty's Justices of the Peace in and for the said Colony of New South Wales.

To Mr. Henry Worley, a constable in the Police Force in and for said Colony of New South Wales, and to all other constables and peace officers in and for the said Colony.

WHEREAS William John Nunn, of Erina, gentleman, in the Colony of New South Wales, hath this day made information and complaint upon oath before me, the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, that on the 7th day of February now instant, at Erina, in the Colony aforesaid, divers goods and chattels, that is to say, five £1 notes, the property of William John Nunn, were feloniously stolen,

stolen, taken, and carried away, and that he hath just cause to suspect, and doth suspect and verily believe, that the said goods and chattels so feloniously stolen, taken, and carried away, or part thereof, are concealed in the dwelling-house and premises of Joseph Buckton, situate at Narrara Creek, in the Colony aforesaid: These are therefore to require you, with necessary and proper assistance, forthwith to make diligent search in the day time, in the said dwelling-house and premises of the said Joseph Buckton, situate as aforesaid, for the said goods and chattels so feloniously stolen, taken, and carried away as aforesaid, and if you find the same, or any part thereof, that you then secure the said goods and chattels so feloniously stolen, taken, and carried away as aforesaid, and bring the person or persons in whose custody you find the same, before me or some other of Her Majesty's Justices of the Peace, at the Police Office, Gosford, to be examined and dealt with according to law.

Given under my hand and seal, this 7th day of February, in the year of our Lord 1862, at the Police Office, Gosford, aforesaid.

JAMES HARRISON, J.P.

And this deponent, *George Buckton*, on his oath, saith as follows:—I believe Mr. Nunn accused my daughter of stealing some money; Mr. Nunn told me she had confessed; I am not aware that the money was taken back; I do not know if Mr. Nunn received any money from my daughter; I have not had any transactions with Mr. Nunn; Mr. Nunn told me that my daughter ordered £2 8s. 8d., or thereabouts, to be paid him by me, but he did not say for what; I gave a promissory note, and Mr. Nunn said, "This is only a form, I shall not come after it"; it was somewhere about that sum; I cannot recollect it.

Examined by Defendant: The morning after you were at my house I remember coming over to your house; I came to fetch my daughter away; she did not go as it rained, and I came for her on the Monday; you told me you believed that Mrs. Nunn had given Sarah £1 before she went, and that she had paid for two dresses.

GEORGE BUCKTON.

Sworn before us, this 11th March, }
1862, at Gosford,— }

E. H. HARGRAVES, J.P.
JOHN A. OSBORNE, J.P.
JAMES HARRISON, J.P.

Messrs. Hargraves and Osborne, two Magistrates sitting on this case, are of opinion that there is no case whatever against the defendant. Mr. Harrison expresses a different opinion, and intimates his intention to commit, taking the case entirely into his own hands. Messrs. Hargraves and Osborne therefore withdraw from the case.

E. H. HARGRAVES, J.P.
JOHN A. OSBORNE, J.P.

Mr. Harrison states that before the above was signed, he expressed his willingness to go into the defence, and should have been added to the above statement.

JAMES HARRISON, J.P.

Statement of the Accused.

New South Wales, }
to wit. }

William John Nunn stands charged before the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony aforesaid, this 11th day of March, in the year of our Lord 1862, for that he, the said William John Nunn, on the 7th day of February last, at Narrara, Brisbane Water, in the said Colony, accompanied by one Constable Dunn, did enter the hut of one Joseph or George Buckton, with a search warrant, charging one Sarah Buckton, his servant, with stealing from his premises five £1 notes; after searching the said Sarah Buckton, and about to search her mother, Esther Buckton, on opening her dress, he, the said William John Nunn, saw and took possession of two notes, one of which he identified as his property, 18s. 3½d. being also found in her gown pocket. Constable Dunn, upon searching the bedroom, was called out by the said William John Nunn, telling him, "It was all right; the girl had owned to taking the money as I made my promise to forgive her"; and taking possession of the money so found, thereby compounding the said felony by releasing the said parties from the custody of the constable aforesaid; and the said charge being read to the said William John Nunn, and the witnesses for the prosecution, Daniel Dunn, Sarah Buckton, and George Buckton, being severally examined in his presence, the said William John Nunn 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 William John Nunn saith as follows: "I have committed no crime. I call upon the Rev. Alfred Glennie."

Examined by Defendant: And this deponent, *Alfred Glennie*, a clergyman of the Church of England, on his oath, saith:—I cannot recollect the 7th February; I remember about that time meeting you on the road; I recollect your telling me you had just come from Buckton's house; I remember your saying you were sorry to tell me that Sarah

Buckton had taken money out of your house, or words to that effect; I remember your saying that from her youth, and the length of time she had lived with you, you had forgiven her; I think you said there was no evidence against her except her own confession; I remember your saying that if you could have sent her to gaol you would not, as it would have made her worse; I coincided with you in that sentiment; we both expressed extreme surprise that she should have been guilty of such an act; in forgiving her I think you were actuated by benevolent and Christian motives, not by corrupt motives.

ALFRED GLENNIE.

Sworn before me, this 11th March, }
1862, at Gosford,— }

JAMES HARRISON, J.P.

(Called by Defendant.)

And this deponent, *Barker Joseph Benson*, M.D., on his oath, saith as follows:—

Examined by Defendant: I remember your telling me that Sarah Buckton had confessed to taking some money out of your house; I remember your saying that as she confessed, and from her youth, and from the length of time she had lived honest in your service, you had forgiven her, or words to that effect; that if she was imprisoned it might be the means of her being contaminated, and made worse, or words to that effect; you said there was no positive proof against her; you told me to tell the purport of the conversation either to Mr. or Mrs. Hely, I don't remember which, as she might apply as a servant.

Question by Defendant: Mr. Hely is a Magistrate—are you aware that I am on speaking terms with Mr. Hely? *Ans.* I am not aware.

Ques. I ask Dr. Benson, as a man of common sense, if he thinks it likely that if I had been aware of committing such an offence as compounding felony, that I should have talked to him about it, and requested him to tell Mr. or Mrs. Hely, with whom I am not on speaking terms? *Ans.* I never thought for a moment that you were compounding felony; I believe you did it out of kindness to the girl; I don't know of your not being on speaking terms with Mr. Hely; in forgiving the girl I believe you were actuated by Christian and benevolent motives, and I made a remark at the same time to that effect.

BARKER J. BENSON.

Sworn before me, this 11th March, }
1862, at Gosford,— }

JAMES HARRISON, J.P.

(Called by Defendant.)

And this deponent, *Thomas Cade Battley*, Clerk of the Bench, on his oath, saith:—

Examined by Defendant: I remember, on the 7th of February last, filling up an information and search warrant referring to this case; I remember your returning on the afternoon of that day and informing me that Sarah Buckton had confessed to taking the money, and that, from her youth and the length of time she had been in your service, you had forgiven her, or words to that effect; I don't think you would have informed me of it if you thought you were committing a crime; when you said you'd forgiven her, I replied, "I'm glad of it;" I think, in forgiving the girl, you were actuated by Christian and benevolent motives, not by corrupt motives; I did not make any remark to you that you had done wrong; Thursday is the usual Court day at Gosford; it has been so for some years; I have been Clerk of the Bench nearly nineteen years; I have never known Monday to be the usual Court day; the Court has sat upon other days; the Court sits very seldom on other days but Thursday, the Court day.

Examined by Court: When Mr. Nunn spoke to me about the girl he did not refer to any mark upon any of the notes.

THOS. C. BATTLE.

Sworn before me, this 11th March, }
1862, at Gosford,— }

JAMES HARRISON, J.P.

(Called by Defendant.)

And this deponent, *Henry Worley*, Sergeant of Police, on his oath, saith:—

Examined by Defendant: Dunn handed me the information and warrant, on Thursday, the 13th February, the Court day; Dunn told me on the 8th, that he had been with a search warrant to Buckton's place, and put it in force; I made no inquiries after he told me the way the thing was arranged; I never knew where the warrant was, from the 8th to the 13th; he told me he had been with you and put it in force, and that the matter was arranged.

Examined by Court: Dunn's report was, that they had been to Buckton's; he said she (the girl) denied having the money; he partly searched her; and that the girl said she was poorly, and could not be searched further; he had told her he would bring her to the lock-up, and have her searched there; he then searched her mother, Esther Buckton; there were two £1 notes found on her; Mr. Nunn, he said, took the notes

notes out of the woman's bosom ; and that Mr. Nunn called his attention to a pencil mark on one of the notes, which he said he could identify, having marked the note the night before ; he found 18s. and some odd pence also in the woman's pocket ; the girl (Sarah Buckton), he said, called Mr. Nunn outside, and they had some conversation which he did not hear ; Mr. Nunn shortly returned into the house again, and said the girl had confessed to having taken the money, and that he had forgiven her, and that he gave the money then to Mr. Nunn, and came home ; he reported it the following day ; it is my business to direct the constables in these matters, but being in the hands of my superior, I thought I had no right to interfere ; I mentioned the matter to the Bench at the first meeting of the Court.

Examined by Defendant : I was asked where the warrant was before I mentioned it ; Mr. Hely asked me ; you have frequently censured me—unjustly so—without cause or provocation ; you have frequently insulted me, when on the Bench, or in the witness box ; you have said from the Bench that you did not consider me as a fit person to hold the office of chief constable in this district, but Mr. Nunn could not ever shew an instance in which I was unfit ; Dunn told me that you had forgiven the Bucktons ; he said he gave them up in consequence of your having forgiven them ; Dunn said he had partly searched Sarah Buckton, but he desisted on her complaining of not being well, and that he would take her to the lock-up and have her searched by his wife ; he did not say any such word as preventing in taking them to the lock-up.

HENRY WORLEY.

Sworn before me, this 11th March, }
1862, at Gosford,— }

JAMES HARRISON, J.P.

William John Nunn then states as follows :—Yesterday and to-day I have been tried on a charge of compounding felony, of which charge, on the close of the prosecution, Mr. Harrison immediately informed me that he intended committing me. I treat the insinuation of having compounded felony with the utmost scorn, for is it likely, that in my position, I would knowingly transgress the law openly, in the first instance before the police constable—go immediately and communicate my having done so to Mr. Battley, Clerk of the Bench—tell the Rev. Mr. Glennie and several other persons—and actually to tell Dr. Benson, and request him to communicate the same to Mr. Hely, or Mrs. Hely, he being a Magistrate, with whom it is universally known that I am on unfriendly terms ? I told the whole of these people within one hour of my leaving Buckton's house, that Sarah Buckton had confessed to taking some money out of my house, and that from her confessing it herself—from her penitence, and from her youth, and from the length of time she had lived in my service—I had forgiven her ; and though I stand here to answer this charge that has been trumped up against me, I have an inward feeling of joy, that if I have erred, it was on mercy's side, particularly as I can well afford to take that side for once. Was I, after assisting to extort the confession from the girl, to go and take advantage of her youth and inexperience—for had she not said so herself, who could have said she was guilty ? What I do regret is, having obtained her confession by intimidating her. It was entirely my own case ; it was my own money, and no one was concerned but myself. I forgave her, and in doing so I acted in as straightforward and manly a course as it was possible for me to do, communicating the whole of the facts in every quarter and direction ; and I never thought of the matter afterwards, until I was surprised to hear that Dunn had been placed in the witness box, and catechised by certain Magistrates of the Bench, and his replies sent to the Attorney General. I never upon that day interfered in the slightest degree with the acting of the police constable. I never gave anyone into custody, and consequently I never released anyone ; and Dunn, the police constable, was perfectly free to take anyone he liked, and do whatever he thought fit with them, which he has acknowledged by saying I never gave any orders about them, for though a Magistrate, and being my own case, I merely accompanied him, and of course was not acting in my own case. And Constable Dunn, who has been compelled to prosecute me on the charge of compounding felony, is sure I was only actuated by benevolent and Christianlike motives, which is also stated by the Rev. Mr. Glennie and other witnesses examined. It must be clear to every disinterested person that this case has been got up for the purpose of injuring me, in proof of which I review the case. The police constable was placed in the witness box, and examined by certain Magistrates, and his evidence, with a letter from themselves, transmitted to the Attorney General, in which I am also accused of having suppressed the search warrants, though it is proved that I gave it to the Police Constable Dunn, and that I never afterwards even saw it, much less had it in my possession, and which the police constable states, he lodged, I believe, the same or the next day in the usual place in the Court, where he says he puts all other warrants and papers. Then again, I beg further to point out the unprecedented mode in which I have been brought up to answer this charge. Friday a summons is left at my house to appear the following Monday ; I do not get that summons till late on Friday night. I therefore had but one clear day, and it was well known by all the Magistrates that there was to have been a full attendance on the following Thursday ; and yet so important a case as mine is, to be tried without notice to other Magistrates on the Monday. But I have nothing to conceal in the case, all I did I have admitted to everyone.

WILLIAM JOHN NUNN.

William

William John Nunn is committed to take his trial, for compounding felony, at the next sittings of the Court of Quarter Sessions, to be holden at the Court House, Sydney, on Monday, the 21st April, 1862. Prisoner allowed bail in £80, with two sureties in £40 each.

JAMES HARRISON, J.P.

—————
•
Recognizance of Bail.

New South Wales, }
Brisbane Water, }
To wit.

BE it remembered, that on the 11th day of March, in the year of our Lord one thousand eight hundred and sixty-two, William John Nunn, of Erina, in the Colony of New South Wales, gentleman, Henry Augustus Cranse, of Gosford, in the said Colony, innkeeper, and George Keene, of Gosford, in the said Colony, blacksmith, personally came before me, the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, and severally acknowledged themselves to owe to our Lady the Queen, the several sums following (that is to say), the said William John Nunn, the sum of £80, and the said Henry Augustus Cranse and George Keene, the sum of £40 each, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands, and tenements respectively to the use of our said Lady the Queen, Her Heirs and Successors, if he the said William John Nunn fail in the condition indorsed.

WILLIAM JOHN NUNN.
HENRY A. CRANSE.
GEORGE KEENE.

Taken and acknowledged the day and year }
first above-mentioned, at Gosford, in }
the said Colony, before,—

JAMES HARRISON, J.P.

—————
Condition in Ordinary Cases.

THE condition of the within written recognizance is such, that whereas the said William John Nunn was this day charged before me, the Justices within mentioned, for that he, the said William John Nunn, did on the 7th February last, accompanied by one Constable Dunn, with a search warrant for £5 stolen from his premises by one Sarah Buckton, go to the house of one George Buckton, and did find on the person of Esther Buckton two £1 notes, one of which was identified by the said William John Nunn as his property, 18s. 3½d. being also found on her person. That Sarah Buckton, having confessed the robbery, the said William John Nunn forgave her, taking possession of the money so found, thereby compounding the said felony by releasing the said parties from the custody of the constable aforesaid; if, therefore, the said William John Nunn will appear at the next Court of General Quarter Sessions, to be holden at Court House, Sydney, in and for the Colony of New South Wales, on Monday, 21st day of April next, and there surrender himself into the custody of the keeper of the gaol there, and plead to such information as may be filed against him for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

—————
Recognizance to give Evidence.

New South Wales, }
Brisbane Water, }
To wit.

BE it remembered, that on the 13th day of March, in the year of our Lord one thousand eight hundred and sixty-two, Daniel Dunn, of Gosford, constable, Sarah Buckton (by her father George Buckton), and George Buckton, of Narrara, Brisbane Water, sawyer, personally came before James Harrison, Esquire, one of Her Majesty's Justices of the Peace for the said Colony, and acknowledged themselves to owe to our Sovereign Lady the Queen, the sum of £40 each, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements, to the use of our said Lady the Queen, Her Heirs and Successors, if they, the said Daniel Dunn, Sarah Buckton, and George Buckton, shall fail in the condition indorsed.

DANIEL DUNN.
her
SARAH × BUCKTON.
mark.
(pro George Buckton.)
GEORGE BUCKTON,
(for self and daughter.)

Taken and acknowledged the day and year first }
above-mentioned, at Gosford, in the said }
Colony, before,—

JAMES HARRISON, J.P.

THE condition of the within written recognizance is such, that whereas one William John Nunn, Justice of the Peace, was on the 11th March, charged before Justice of the Peace within mentioned, for that he, the said William John Nunn, did on the 7th February last, accompanied by one Constable Dunn, with a search warrant for £5 stolen from his premises by one Sarah Buckton, go to the house of one George Buckton, and did find on the person of Esther Buckton two £1 notes, one of which was identified by the said William John Nunn as his property, 18s. 3 $\frac{1}{2}$ d. being also found on her person. That Sarah Buckton, having confessed the robbery, he, the said William John Nunn, forgave her, taking possession of the money so found, thereby compounding the said felony by releasing the said parties from the custody of the constable aforesaid. If, therefore, they, the said Daniel Dunn, Sarah Buckton, and George Buckton, shall appear at the next General Court of Quarter Sessions, to be holden at the Court House, Sydney, in and for the Colony of New South Wales, on Monday, the 21st day of April next, and there give such evidence as they know upon an information to be then and there preferred against the said William John Nunn, for the offence aforesaid, to the jurors who shall pass upon the trial of the said William John Nunn, then the said recognizance to be void, or else to stand in full force and virtue.

JAMES HARRISON, J.P.

BENCH OF MAGISTRATES, GOSFORD, to ATTORNEY GENERAL.

*Police Office, Gosford,
11 March, 1862.*

SIR,

Having sat in the case named in the margin, we did not think a sufficient case had been made out against the defendant to warrant us in committing him for trial; we have accordingly expressed our opinion on the face of the depositions.

*The Queen v.
W. J. Nunn, for
compounding
felony.*

In justice to the defendant, we cannot help expressing the marked feeling displayed by Mr. Harrison throughout this case, especially when the clerk recorded our opinion, and handed the depositions to us for signature, so far as we heard the case, when Mr. Harrison (while Mr. Hargraves was about to sign his name) snatched the depositions out of his (Mr. Hargraves hand,) and tore them, which you will observe.

We do not think Mr. Nunn free from blame, which we have freely expressed; but there appears to us to be an entire absence of any corrupt motive on his part, and that no jury would punish an error of the kind he has committed with a benevolent view.

We cannot help calling your attention to the fact, that a special day was appointed to hear this case (Monday, the 10th instant), and that other Magistrates were not informed of it. For many years Thursday has been the usual Court day, and is so still; and on asking Mr. Harrison why this case was not tried on the usual Court day, he replied, "It is a case of felony." Cases of felony, as well as all others, go over to the usual Court day, and so far as we know, there is no precedent for a special day being appointed in other cases.

The girl Buckton was tried yesterday for stealing the sum of £5 from Mr. Nunn, and the mother, for receiving the same, before four Magistrates (Messrs. Osborne, Scott, Hargraves, and Harrison), and both parties acquitted. The Bench were unanimous.

It certainly does appear a paradox to us how a party can be guilty of compounding a felony, where none has been committed.

We have, &c.,

JOHN A. OSBORNE, J.P.
E. H. HARGRAVES, J.P.

WILLIAM JOHN NUNN, ESQ., J.P., to ATTORNEY GENERAL.

*Erina, Brisbane Water,
12 March, 1862.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 22nd instant, and as the proceedings in the case, as per margin, will be forwarded to you, I shall abstain from making any remarks thereon; at the same time I beg to assure you, that should you require any further information or explanation from me, I shall be most happy to afford it, as I do not think I have anything to conceal in the matter, which I think will be evident to you from the first.

*Nunn
v.
Buckton.*

I have, &c.,

WILLIAM JOHN NUNN.

JAMES HARRISON, ESQ., J.P., to ATTORNEY GENERAL.

*Police Office, Gosford,
12 March, 1862.*

SIR,

I have the honor to transmit herewith the depositions taken at an inquiry held at the Police Office, Gosford, on the 10th and 11th instant, touching a charge of compounding a felony, by the person named in the margin, on which evidence I have considered it my duty to commit that gentleman. The necessary recognizances have been entered into.

*The Queen
v.
William John
Nunn, for com-
pounding felony.*

2. I see by a letter signed by Messrs. Hargraves and Osborne, that they have thought fit to comment upon my conduct while presiding on that occasion; it may therefore be deemed necessary that, after stating my reasons for differing in opinion from those gentlemen, I should say a few words on the subject matter of that letter.

3. I am of opinion that the finding of a portion of the stolen property on the person of Esther Buckton, the identification thereof, and the taking back again of the stolen note, together with the favour shewn to the guilty parties by Mr. Nunn, from whom the property was stolen (all which facts, having been positively sworn to), are sufficient grounds on which to forward the case for judicial inquiry.

4. With reference to the "marked feeling" alluded to, I have only to state that I have conscientiously performed my duty, and that the "marked feeling" was quite on the other side, as Mr. Hargraves not only was checked for putting leading questions, but was spoken by both Mr. Scott and myself, for endeavouring to put words into the witnesses' mouth.

5. As to "snatching the depositions out of Mr. Hargraves hand," it is really surprising how gentlemen can be carried away by their feelings. The fact is, on referring to the twenty-second page of the depositions, you will find there a statement which I requested Mr. Battley to add to the previous one, then unsigned, and put forth my hand to pass the paper to him for that purpose, when Mr. Hargraves, in a burst of passion, declared I should not, snatching it out of my hand, just as I had taken hold, which action must have been apparent to any person looking on.

6. With reference to a special day being fixed for the hearing of the cases in question, I think it almost a waste of paper to reply to this; but as the evident intention of Messrs. Osborne and Hargraves is to impute malice, I will state that your letter, with Dunn's information, was laid on the office table on the morning of Thursday last, when all the Magistrates who attended the Court that day, had an opportunity of reading it. I saw it in Mr. Nunn's hands, and have reason to believe that Mr. Osborne, who attended, saw it also. If Mr. Osborne had taken the trouble to inquire, he would have known that I had directed Mr. Battley to prepare the documents with reference to the prosecution for felony, which Dunn swore to before me the same afternoon; at the same time I directed Dunn to request Mr. Battley to apprise Mr. Osborne, before he left, that the cases in question were ordered for hearing on the Monday following; and when Sergeant Worley came for instructions, early the next morning, I directed him to have Mr. Nunn served with a summons at once, in order that he might have plenty of time to made his arrangements.

On Messrs. Hargraves and Osborne taking their seats on the Bench, on the morning of the 10th instant, the former gentleman commenced at once a violent attack against Mr. Scott and myself, for daring in any way to act without the sanction of himself and others, and used such malicious terms towards me as must have been truly edifying to his audience. I have yet to learn that one or two Magistrates (as I acted with the concurrence of Mr. Scott), cannot act in matters where a delay may or may not occasion a frustration of the ends of justice. I believe Magistrates are responsible beings, and whether they act individually or collectively, must abide by their acts; mine are at all times open to inspection. Besides warrants were granted for the apprehension of the Bucktons', and their consequent incarceration rendered it advisable to bring the cases on as soon as possible. In Mr. Nunn's case it was quite open to him to request a remand, which would have been immediately granted.

8. Those gentlemen are at liberty to treat the matter as paradoxical, or even to believe a felony has not been committed, and that Mr. Nunn has not done away with the principal evidence—but facts are stubborn things.

9. I can very well sympathize with Mr. Nunn in his feelings with regard to the girl; but, when he found that the case was assuming quite a different aspect from what he anticipated, he should have trusted the matter to the Bench, and I feel assured that in consideration of the tender age of the girl, her case would have met with every consideration.

10. I very much regret the necessity of having to introduce so much matter into this letter, occasioned by such a premeditated attack on myself. Strong in mine own integrity, and knowing that I have always adjudicated in matters coming before me without fear, favour, or affection, I care for the insinuations of no man.

I have, &c.,

JAMES HARRISON, J.P.

LYALL SCOTT, Esq., J.P., to ATTORNEY GENERAL.

Police Office, Gosford,
13 March, 1862.

SIR,

The Queen
vs.
Nunn, for com-
pounding felony.

Having observed a letter addressed to you by Messrs. Hargraves and Osborne, J.P.'s referring to the case named in the margin, and having sat upon the case during the proceedings on the first day, I feel called upon to make a few remarks with regard to the said letter.

On taking our seats on the Bench, Mr. Harrison and myself were assailed by Mr. Hargraves, in his usual style of violent abuse, for daring to open the Court other than the usual weekly Court day. He was quietly informed by Mr. Harrison and myself, that we considered it necessary for the furtherance of the ends of justice, that immediate action should be taken in the matter, and the case heard at once, as had been done on several previous

previous occasions of cases of a similar nature, and that we had yet to learn that we had exceeded our duty in doing so. Mr. Hargraves proceeded to accuse Mr. Harrison of malicious feelings against Mr. Nunn; and on Mr. Harrison stating that he harboured no ill-will against Mr. Nunn, Mr. Hargraves gave him the lie direct, using language which, though not differing from what I have heard him (Mr. Hargraves) on several occasions make use of on the Bench, was anything but becoming a Magistrate and a gentleman. I remonstrated with Mr. Hargraves on his conduct, as bringing the Bench into disrepute, and must say that any remarks made by Mr. Harrison were occasioned by those emanating from Mr. Hargraves.

Not having heard the whole of the evidence, I do not feel justified in offering any opinion on the correctness of Mr. Harrison's decision; but with regard to the remarks made by Messrs. Hargraves and Osborne, that a party cannot be guilty of compounding felony when none has been committed, this point was argued upon the dismissal of the girl Buckton, and I was then and am still of opinion that the very fact of destroying the evidence (which Mr. Nunn did), and causing the breaking down of the case against the girl Buckton, constituted the compounding.

In conclusion, I have no hesitation in saying that I considered Mr. Harrison acted in the most conscientious manner throughout; and on his suggesting to me, on the previous Thursday, when your letter on the subject was laid on the table, that immediate action was necessary to prevent collusion, I quite agreed with him, and Monday was fixed for the hearing of the charge; and if, on that day, Mr. Nunn had asked for a remand, I would most willingly have granted it, but he insisted on his case being heard at once.

I have, &c.,

LYALL SCOTT, J.P.

HOVENDEN HELY, Esq., J. P., to ATTORNEY GENERAL.

Police Office, Gosford,
10 April, 1862.

SIR,

My attention has just been called to a copy of a letter written by Messrs. Hargraves and Nunn, J.P's., forwarding depositions in the case named in the margin, in the concluding paragraph of which they state that "Mr. Hely imported himself into the case after it had commenced, and that though they suggested the propriety of having the deposition read over to him, he took his seat without adopting that suggestion." The Queen v. Scott.

In reference to this statement I have simply to say, that it is a wilful and deliberate perversion of the truth; the true facts of the case being, that the Court opened at 11 A.M., that in about a quarter of an hour afterwards I took my seat, the complainant, Tomlinson, being at that time and for upwards of an hour afterwards in the witness box, and that his evidence concluded, I heard the whole of it read from the commencement, in common with the other members of the Bench.

I then retained my seat till the conclusion of the case about half-past 7 P.M.

I have, &c.,

HOVENDEN HELY, J.P.

THE BENCH OF MAGISTRATES, GOSFORD, to ATTORNEY GENERAL.

Police Office, Gosford,
15 April, 1862.

SIR,

In reply to your letter of the 14th instant, we have the honor to forward you herewith the depositions required in the cases named in the margin. In re Buckton and her mother.

We have, &c.,

HOVENDEN HELY, J.P.
LYALL SCOTT, J.P.

New South Wales, }
to wit. }

THE information and complaint of *Daniel Dunn*, of Gosford, constable, taken this 6th day of March, in the year of Our Lord 1862, before the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony aforesaid, who saith as follows:— On the 7th day of February last, William John Nunn, Esquire, of Erina, Justice of the Peace, rode up to the lock-up at Gosford, and required me without delay to accompany him to execute a search warrant for money, (five £1 notes,) stolen from him by his servant, one Sarah Buckton, and suspected to be secreted upon the premises of her father, one Joseph Buckton, at Narrara Creek; I accompanied Mr. Nunn, and before we got to the house, he handed me the search warrant, and rode on and got to the hut before me; when I went in Mr. Nunn said in my presence, "Sarah, if you have taken those notes and will give them up, I will forgive you, but if you do not, the law shall take its course." She denied having taken it; I then searched her partly; she said she was sick and could not

not be further searched; I told her she must then come to the lock-up; I then ordered her mother, Esther Buckton, to strip; when asked if she had any money about her, she said she might have a couple of shillings; on opening her stays two notes were visible, which Mr. Nunn took hold of, and she did not perceive his doing so; he further asked her if she had money in the house; she said she might have a couple of pounds; in searching her gown I found 18s. 3½d.; Mr. Nunn told me he could identify one of the notes found in the possession of Esther Buckton; he shewed me a pencil mark upon it; I then went into the bedroom, and turned out the contents of a box; I was then called out by Mr. Nunn, who told me it was all right, the girl had owned to taking the money; Mr. Nunn had previously handed me the two £1 notes in which I rolled up the silver, &c.; I then gave the money up to him, and he told the girl to come back in the evening; in the money I returned to Mr. Nunn, the note Mr. Nunn identified formed part of it; I pray that a warrant may issue for the apprehension of the said Sarah Buckton for stealing a £1 note, the property of Mr. William John Nunn.

DANIEL DUNN.

Taken and sworn before me, the day and year }
first before-mentioned, at Gosford,— }

JAMES HARRISON, J.P.

This deponent, *Daniel Dunn*, of Gosford, constable, on his oath saith as follows:—My information of the 6th instant, now read in the presence of the defendant, I state to be true, and further saith:—I found certain money in the house, upon defendant's mother; it was 18s. 3½d., with two £1 notes; one marked note, Mr. Nunn said he had had in his possession the night before; I have not got the note; the identified note was given to Mr. Nunn when I released the parties; I did not mark the note; I could not swear to the mark on the note if produced; it was a pencil mark; if it had remained in my possession I could have sworn to it; in consequence of Mr. Nunn taking the money, and releasing the parties, I did not prosecute; and he, being a Justice of the Peace, we are bound to obey the order of a Magistrate; Mr. Nunn said "That will do, Dunn," and told the party to come in the evening.

Prisoner declines putting any questions to witness.

DANIEL DUNN.

Sworn before us, this 10th }
March, 1862,— }

JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.

And this deponent, *William John Nunn*, on his oath, saith as follows:—I recollect the 7th February; I recollect applying to a Magistrate for a warrant to search prisoner's father's house; I rode here to the watch-house, and asked Dunn to see and get a horse; he went to Worley's, and returned and said he could not get one; I then handed him the search warrant and the information, and told him what it was about; he went one way through Mr. Hely's paddock, and I another; we arrived at Buckton's hut; either Dunn or I said some money had been taken from my place, and we came to see about it; he did not produce or read the warrant; he said he had come there to see after some money (five £1 notes,) that had been stolen from me; they denied having them; prisoner denied having them, and Dunn said he would search for them, upon which her mother said he might search her; she began pulling off her gown; as soon as she did so I saw a couple of notes in her dress, which I caught hold of, and handed to Dunn; she said she had got them from Mr. Drew; that he had given them to her for the purpose of frightening the parties, and getting them to confess it; I said there was a black mark on one of the notes that I knew, but which in reality I could not have sworn to; and on looking at the note I found it was not of the Bank I had imagined—the Bank of New South Wales; I have not the note; I concluded the matter, and passed the notes away in the usual course of business; Mrs. Buckton still declared she received the notes from Mr. Drew; I then promised Sarah that from the length of time she had lived with me, and never having had any cause of her having done so before, and from her youth and length of time she had been in my service, that I would forgive her; she at last called me out of the house, and she then told me that she had taken the money, upon which I talked and reasoned with her, and gave her advice; before this she had put 18s. 3½d. on the table in the hut, which was all she had got; I told her she could come in that evening for her clothes, and she was to leave next day; when I gave the two notes I did not point out the note; I said to them all, this is a mark on a note that I know; Dunn handed it me back afterwards; I did not take the money until the girl told me it was mine; I don't remember shewing the money to Dunn; I said before them there was a mark on the note I knew; the girl seemed sorry for it, and said she would come back and work, but I said that would not do; I received £2 18s. 3½d. as part of my property; her father, on coming for her, said he would pay me the balance, but has not done so; I don't think I shall receive

receive it ; I did not release the defendant ; I told the constable the girl had confessed, and that I had forgiven her ; the warrant was not read or produced ; I gave the warrant to the constable on the road, to act upon.

WILLIAM JOHN NUNN.

Sworn before us, this 10th March, }
1862, at Gosford,— }
JAMES HARRISON, J.P.
LYALL SCOTT, J.P.
JOHN A. OSBORNE, J.P.

The notes referred to in this case not being produced, the proof is destroyed, and prisoner is discharged.

J. H., J. P.
L. S., J. P.

New South Wales, }
to wit. }

THE information and complaint of *Daniel Dunn*, of Gosford, constable, taken this 6th day of March, in the year of our Lord 1862, before the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony aforesaid, who saith as follows:—On the 7th day of February last, William John Nunn, Esquire, of Erina, Justice of the Peace, rode up to the lock-up at Gosford, and required me, without delay, to accompany him to execute a search warrant for money (five £1 notes,) stolen from him by his servant, one Sarah Buckton, and suspected to be secreted upon the premises of her father, one Joseph Buckton, at Narrara Creek ; I accompanied Mr. Nunn, and before we got to the house he handed me the search warrant, and rode on and got to the hut before me ; when I went in, Mr. Nunn said in my presence, "Sarah, if you have taken those notes, and will give them up, I will forgive you, but if you do not, the law shall take its course" ; she denied having taken it ; I then searched her partly ; she said she was sick, and could not be further searched ; I told her she must then come to the lock-up ; I then ordered her mother, Esther Buckton, to strip ; when asked if she had any money about her, she said she might have a couple of shillings ; on opening her stays two notes were visible, which Mr. Nunn took hold of, and she did not perceive his doing so ; he further asked her if she had money in the house ; she said she might have a couple of pounds ; in searching her gown I found 18s. 3½d. ; Mr. Nunn told me he could identify one of the notes found in the possession of Esther Buckton ; he shewed me a pencil mark upon it ; I then went into the bed-room and turned out the contents of a box ; I was then called out by Mr. Nunn, who told me it was all right—the girl had owned to taking the money ; Mr. Nunn had previously handed me the two £1 notes, in which I rolled up the silver, &c. ; I then gave the money up to him, and he told the girl to come back in the evening ; in the money returned to Mr. Nunn, the note Mr. Nunn identified, formed part of it ; I pray that a warrant may issue for the apprehension of the said Esther Buckton, for receiving a £1 note, the property of Mr. William John Dunn, knowing it to be stolen.

DANIEL DUNN.

Taken and sworn before me, the day and year }
first before mentioned, at Gosford,— }
JAMES HARRISON, J. P.

BENCH OF MAGISTRATES, GOSFORD, to ATTORNEY GENERAL.

Police Office, Gosford,
28 March, 1862.

SIR,

We have the honor to forward you the depositions taken before us, in the case named in the margin. We deem it our duty to send the case for trial, and have therefore committed the prisoner to take his trial, at the next Court of General Gaol Delivery, to be holden at Sydney, on Monday, the 7th July next, having admitted him to bail in the sum of £500, with two sureties in £250 each, to appear and take his trial ; and have bound over the witnesses in recognizances to give evidence in the case. The Queen v. Scott, for arson.

We beg to call your attention to what we consider a great irregularity : During the hearing of this case Mr. Hely entered and took his seat, and we suggested to him the propriety of having the deposition read over to him, but he imported himself into the case without adopting our suggestion, which we beg to point out.

We have, &c.,
E. H. HARGRAVES, Presiding Justice.
WILLIAM JOHN NUNN, J.P.

(Depositions of Witnesses.)

THE QUEEN v. SCOTT, FOR ARSON.

New South Wales, }
 Brisbane Water, }
 To wit. }

THE examination of Samuel Tomlinson, of or near Orimbah, in the Colony of New South Wales, timber merchant, James Miller, Charles Brown, of Orimbah, labourers, Benjamin Newcombe, Patrick Murray, and Joseph Frewin, of Orimbah, in the said Colony, labourers, taken on oath this 27th day of March, in the year of our Lord one thousand eight hundred and sixty-two, at the Police Office, Gosford, in the Colony aforesaid, before the undersigned, four of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of Lyall Scott, who is charged this day, before us, for that he, the said Lyall Scott, on the 31st day of January last, at Jackson's Ridge, Blue Gum Flat, in the said Colony, did, of malice aforethought, chop down and destroy by fire a building, to wit, a bridge, of the value of £100, on the said land, rented and leased by one Samuel Tomlinson from one James Stockdale, near Blue Gum Flat aforesaid.

New South Wales, }
 To wit. }

THE information and complaint of Samuel Tomlinson, of or near Orimbah, timber merchant, taken this 11th day of March, in the year of our Lord one thousand eight hundred and sixty-two, before the undersigned one of Her Majesty's Justices of the Peace in and for the Colony aforesaid, who saith as follows:—On the night of the 31st January last, about 8 o'clock, I received information that a wooden bridge upon land leased by me from one James Stockdale, near Blue Gum Flat, and known as Jackson's Ridge; that one Lyall Scott, of Orimbah Saw-mills, did of malice aforethought, chop down and destroy by fire, to wit a building containing a bridge of the value of £100 sterling to me, on the land aforesaid, contrary to the statute in that case made and provided, and further pray that the said Lyall Scott may be summoned to answer the said charge, according to law in that case made and provided. James Miller, Charles Brown, Joseph Frewin, Alfred Mason, Edward Hawkins, William Thompson, servants of the said Lyall Scott, are witnesses in the case.

SAMUEL TOMLINSON.

Taken and sworn before me, the day and year }
 first before mentioned, at Gosford,— }
 JAMES HARRISON, J.P.

Police Office, Gosford,
 13 March, 1862.

New South Wales, }
 To wit. }

LYALL SCOTT, of Orimbah Steam Saw-mills, gentleman, appeared, charged, that he did, on the night of the 31st January last, of malice aforethought, chop down and destroy by fire, a building containing a bridge of the value of £100, at Blue Gum Flat, in said Colony. Samuel Tomlinson having been sworn to his information of the 11th instant; in defendant's presence stated it to be true.

SAMUEL TOMLINSON.

Sworn before us, this 13th March, }
 1862, at Gosford,— }
 JAMES HARRISON, J.P.

THE defendant prayed the Court for an adjournment of the case, as he had only received the summons at 10 o'clock, and could not possibly subpoena witnesses on his behalf. Case adjourned to Thursday week next.—JAMES HARRISON, J.P.

This deponent, *Samuel Tomlinson*, on his oath, saith as follows:—My information of the 11th instant, now read in the presence of the defendant is true. I wish to amend a part of the said information, "to wit, a building containing a bridge," read "a certain building to wit a bridge" (which the majority of the Court allowed to be made.) On the 31st day of January I was down at the steamer; I received information about 8 o'clock that the bridge at Jackson's Ridge had been cut down and destroyed by fire; it was at 8 o'clock in the evening; I received information from my wife, and did not credit it, and shortly after from another party; I went in the direction of the bridge and met six men with torches burning; three had bark torches alight; it was then after 9 o'clock at night; when I met them I stood and looked at them as they passed along; I have not charged the men as accessories; I leave it to another day; I have other witnesses; I returned home; they went by my house, the whole six who had been at the committal of the deed; next morning at 3 o'clock I started to where the bridge was; the bridge then was still burning; it was close on 4 o'clock—it was rather dark; I came home and asked the men one by one that I had seen the night before, if they were employed in the act of incendiarism; each of them on the first asking said they did as they

they was told ; I said, "That's not what I want to know—were you employed in chopping and firing of that bridge"; I did not leave one of them till they ultimately acknowledged they had ; I then cautioned each of the men against going on the ground again ; after I had done that I started on the road to lay the information ; when I got by the peach trees I met Mr. Lyall Scott and his wife ; I asked him if he had employed these men to commit that act of incendiarism, and he said "What?" I repeated, "Did you employ these men to commit that act of incendiarism?" He said, "I did," and then rode on ; I was not at the bridge when it was done ; I have a lease of the land, which I now produce ; it is for five years from the date of taking on the 1st November, 1860 ; the bridge is on the part on which I have a right to cut timber ; the landlord does not dispute my use of the land, except for grazing and cultivation.

Examined by Court: My title has never been disputed by anyone out of this Court ; Mr. Scott has disputed the right, but not out of the Court ; Mr. Scott does not hold possession at present ; I have put up a printed notice—no one has since trespassed ; I have been in the habit of selling Mr. Scott timber from the land, for which he has paid me ; I have been a servant of Mr. Scott ; my time expired in February ; I could not say on what day ; I have been in his service as manager, engineer, and saw-sharpener ; my agreement, when I went there, was with Mr. John Scott ; the cheques are signed "William Jolly & Co." ; I was at the mill when the lease was signed.

(True Copy.)

Memorandum of agreement made this 1st day of November, 1860, between James Stockdale, of Brisbane Water, settler, of the first part ; and Samuel Tomlinson, of Brisbane Water, saw-maker, of the second part, viz. :—

The said James Stockdale agrees to lease to the said Samuel Tomlinson, for the space of five years from this date, the sole right of cutting of the timber on the 2,000 acres of land situated in the District of Brisbane Water, and known as Holl's Grant, saving so much as hereafter excepted, for the sum of £70 sterling per annum, to be paid quarterly in advance ; that is to say, the said Samuel Tomlinson is the only person by whose authority timber can be cut and removed from the said estate. The part to be excepted as aforesaid, is that portion of the land lying to the east or north of the creek, running through the cleared paddocks and past the dwelling-house, and on this part of the estate the said Samuel Tomlinson is to have no right to cut and remove timber ; and at the same time the said James Stockdale binds himself, under penalty of forfeiting to the said Samuel Tomlinson the sum of £50 sterling, not to sell to anyone timber from this part of the estate, nor to give anyone authority to cut or remove timber from the said part, save and except so much as may be required for fencing or erecting buildings on the estate. The said James Stockdale also agrees to let the said Samuel Tomlinson have a right of way from the north and east line by Garrett's hut of the estate, provided that should any damage be done by the teams of the said Samuel Tomlinson to any of the fencing, it shall be made good by him. It is also understood that this agreement gives to the said Samuel Tomlinson no right of grazing cattle on nor cultivating the estate. It is further understood by this agreement, that should the said James Stockdale be anxious to dispose of the timber on the piece of ground excepted as above, then the said Samuel Tomlinson is to have the first offer of purchase.

In witness whereof, we have affixed our signatures, and seals at Blue Gum Flat, on the said 1st day of November, 1860.

JAMES STOCKDALE.

Witness to the signature of the said James Stockdale—CHARLES POINTER.

SAMUEL TOMLINSON.

Witness to the signature of the said Samuel Tomlinson—CHARLES POINTER.

Examined by Defendant: The lease I hold I produced ; it is stated to be a true copy on it ; I cannot say in whose handwriting the original lease is drawn.

Examined by Court: I hold possession by the lease produced ; my landlord does not dispute it ; when the agreement was made, I don't know who I was employed by ; I received wages from Mr. Scott ; I was in the habit of receiving a cheque of £17 10s., as remuneration for timber sold, pretty nearly quarterly ; the remuneration was for timber received ; it was for timber on the land I lease ; it was taken just as it was required ; this remuneration was estimated at one-fourth of the year at £70 ; I did not build the bridge ; I did claim it as my property during my lease ; I was there one day helping at the bridge ; it was built at the expense of the company, Jolly & Co., and I received wages from them during the time I was employed ; I was there about 9 o'clock at night at Mr. Stockdale's about the agreement ; I might have been there during working hours, or might not ; I know the bridge—I have been over it ; some portion of the bridge was embedded in the ground ; some ground was removed for the foundation, and iron was used in its construction ; there were bars of iron cut, and spike nails used in fastening the bridge ; the Company was the owner of the iron, and the bridge built at their expense ; I believe when I leased the place, the estate of Jolly & Co. was not out of the Insolvent Court ; it was after the insolvency of Jolly & Co. that I entered into the agreement ; when the bridge was building I considered it made my property of more value ; I could build a bridge for less money than it cost ; it would cost me to rebuild the bridge, £100 ; I can't say what it cost to put up the bridge ; it would cost over £50 ; at the time I made the agreement with Stockdale I did not make any agreement with anyone to transfer my right and interest in it.

Examined

Examined by Defendant: I could not say how many out of the five payments you handed receipts; I got the receipts signed by Mr. James Stockdale; when signed I gave most of them to Mr. Scott for safe keeping; you have other receipts from me and money for safe custody; I handed money over to you to purchase bullocks; the money was handed over in a joint speculation between myself, Mr. Jolly, and you; I don't remember when Pointer went to Stockdale's, but he was there when the agreement was made; in handing you an account of the men's time I cannot say whether I handed in Pointer's time on that occasion; timber has been brought to the mill from the ground between 1st November, 1860, and 31st January, 1862; I derived a benefit from the timber that came in at that time from Mr. Scott paying me for it; £17 10s. quarterly I received, and I paid Stockdale for my rent.

Examined by Defendant: I have spoken to you about taking too much timber; Mr. Scott has not had timber since; I cannot say whether we had any understanding about the remuneration; there was an understanding that you was to pay me £17 10s. quarterly; I told him at the time I considered he had taken too much timber for the money; he made an excuse for the wet weather; there was no agreement when the timber was to cease being taken; there was a verbal agreement; I sold the timber, and he paid for it; I warned you on the 1st February not to take any more timber; I was in the employment of Jolly & Co. at that time; latterly there was no agreement; it was agreed verbally that I was to give six months notice, which terminated in February; I gave the notice; I did not warn the bullock drivers and others previous to the 31st January not to come on the ground at the time of making the agreement with Stockdale; there was no mention made of doing his iron-work—afterwards there was; I distinctly say that James Stockdale did not know the timber was for the mill; he would not have agreed to it; there was some few pounds worth of iron-work done at the mill for Mr. Stockdale for some timber that had been stolen from his ground; you did not on the 1st February tender me the sum of £17 10s.; I got a note from Mr. Scott when he offered me £17 10s.; he sent a man down after to ask me to come up; I shortly went up; he said he was willing to pay me £17 10s. the day after the burning of the bridge; I refused to receive it; I told him I knew nothing about it; I did not give a direct caution not to remove the timber; I refused to transfer the lease to Jolly & Co., or take Mr. Mort as a security, or transfer my lease to Mort; I posted up notices on Saturday, the 1st February, warning people; I considered I had a right to put up notices at any time; I posted printed bills; the last quarter terminated on the 31st January, 1862; that was the termination of the fifth quarter from the time that I leased it; I was not giving to Mr. Scott the privileges I held myself by the terms of the lease; I am not aware that you took any active steps to prevent others from cutting on the property; I now have several parties working on the land, and am receiving remuneration from them; I had parties employed by myself working on the land previous to the 1st February; they were engaged splitting, clearing, and getting material for building a house for myself; I had parties sawing timber previous to the 1st February; I am not sure it is within the lines of the land I lease; the burning of the bridge has been a great loss, and depreciated the value of the lease; it is a loss of over £100 to me; when I first rented the property the bridge was not there.

SAMUEL TOMLINSON.

Sworn before us, this 27th March, }
1862, at Gosford,— }

E. H. HARGRAVES, J.P.
HOVENDEN HELY, J.P.
WM. J. NUNN, J.P.

(Witness having been previously cautioned by the Bench.)

And this deponent, *James Miller*, on his oath, saith as follows:—

Examined by Complainant: I remember the 31st January; I remember being at the bridge on Jackson's Ridge; I went by the instructions of my employer; I was a hired servant; I obeyed his orders; when I got there I did not say, "Here goes for the first"; I decline answering the question whether I assisted to chop and destroy the bridge; when there I merely obeyed my employer's instructions; he ordered me, by his instructions, to cut the bridge down; I did nothing else; I did nothing else when there but chop the bridge down; I did not see anyone set fire to the bridge; I saw fire there after; it was in the afternoon, before dark, during my working hours; my employer fetched me from my work; that is Mr. Scott; I don't know who took the first chip out of the bridge; it was after sundown I returned from my work; it was dark; I did not take notice the particular time I knocked off; we had a long way to walk; some of us carried torches to shew us the way; I might have carried a torch; I saw you near your home; it might take an hour and a half to walk from the bridge; there is a steep ridge; I saw fire at the bridge; I could not say who applied it; Mr. Scott was there; he paid me to cut the bridge down; he came to me at my work, and talked of protecting his rights; he told us to go to Jackson's Ridge, and wait for him; I returned and went to Mr. Scott's house, and he gave me a glass of ale; he generally gives us some after a late job; I made no objection to cut the bridge; I did not think it an extraordinary thing; I was paid to build the bridge,

bridge, and he paid me to cut it down ; I have put up bridges before, at other parts, and shifted them ; I did see the bridge burning after it was chopped down.

Examined by Defendant : I have been in the habit of falling timber, known as Stockdale's bush, by your and Tomlinson's instructions ; the timber has come to the mill, and been cut up there ; I remember having a conversation with Tomlinson about Stockdale's ground, on the morning of the 23rd January ; I went to the mill to grind my axe ; Tomlinson came out to me ; I was working on Stockdale's ground then ; I was falling timber for the mill ; he came to me, and asked me where I was falling ; I said, " On Stockdale's Hill " ; he said, " You're falling on the left-hand side of the road ? " I said, " On the right and left " ; he said, " It is a damned dirty thing taking all the best of the timber " ; he said, " Let him make good use of his time, he has paid the rent up to the 31st day of January " ; I said, " Who's paid the rent, Mr. Scott ? " he said, " He's paid the quarter's rent up to the 31st day of this month ; until then I cannot stop him " ; he said the rent of the timber was paid, and up to that time he could not prevent him taking timber off the ground, but after that " We'll see if he'll take any more or not " ; I then said to him, " I understood the timber was rented for the mill ? " he said, " So it was, " that I don't deny—circumstances are altered, I am going into business—I now want it " for my own use " ; I says, " There's a lot of logs cut at Jackson's Ridge, there has never been any timber come over that bridge to pay for it " ; he said, " They've had enough of timber off other parts of the ground, and I can't help that " ; he spoke to me something concerning the transfer of a lease—that Mr. Scott had brought it out last night, and wanted him to transfer it over, and offered Mr. Mort as a security, but he would not do it ; (his reason for refusing to transfer it before was that Mr. Scott had not offered security) ; it was wet weather when I was falling upon Jackson's Ridge ; when you told me to stop falling, you said you would leave it to be drawn at another time ; Mr. Scott said, " Miller don't fall any more of the timber " ; Tomlinson told me that if Mr. Scott would give security that he would be too glad to get rid of the timber ; he said he was quite agreeable to transfer it over ; I was at the construction of the bridge ; there were no bars of iron used, but spikes ; I have fallen timber on the ground since the 31st January last, by your orders ; I worked on the ground part of a day on the 1st of February ; you said by falling the timber you wished to shew that you had possession of the ground ; the weather has been dry since I have been working at Blue Gum Flat and Chittaway.

Examined by Court : There were no parts of bars of iron used in the bridge ; where slabbed it is spiked ; the bridge is 90 to 100 feet long ; the span is thirty feet ; the bridge had been used ; it wanted something done to the opposite side ; the bullock drivers complained ; the bridge wanted some alteration, and would have to be raised to take the big logs over.

JAMES MILLER.

Sworn before us, this 27th March,)
1862, at Gosford,—)

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WM. J. NUNN, J.P.

(Witness having been previously cautioned by the Bench.)

And this deponent, *Charles Brown*, on his oath, saith as follows :—

Examined by Complainant : I don't remember the 31st January ; I remember a Friday ; I remember the day the bridge, or Jackson's Ridge, was cut down ; I went there by Mr. Scott's orders ; when we went there we did not exactly begin to work ; I don't know that I struck any blow ; I could not say whether I struck the first blow with the head or edge of the axe ; I decline saying which I did ; what I did I received payment for ; I don't remember saying that all the pay I got was a few glasses of drink ; I got water at the bridge ; I was at Mr. Scott's house on that night ; I got some drink ; I have often had a drink, Mr. Scott is so in the habit of giving his men drink ; I decline saying whether the bridge was on fire or not ; I could not say what time I left the bridge ; I did not go home alone from the bridge ; I think there was a torch or two ; Mr. Scott was with us ; he was not acting all the time ; when I was there I won't be sure that there was any fire burning ; we went all together, on our return, to Mr. Scott's, where we had some drink given us ; it was dark when we arrived ; I could not say what the time was ; I remember you saying something to me on the Saturday, but what it was I forget ; I don't remember your cautioning me not to remove timber ; I decline answering the question ; it was considered extra work what I did ; it is not my regular work to destroy bridges ; my general work is bullock driver ; I have never before been employed destroying bridges or since.

Examined by Defendant : The destruction of the bridge was done openly ; when I went to the bridge I did not hear you say anything about defending your own rights ; I remember removing a log on the 1st February, which you said you did to shew you had possession ; I am a bullock driver, and assist at bridges and bringing in logs ; I have not drawn any logs from that land since the 1st February ; your instruction was in wet weather to draw from that land ; since the 1st February the weather has been dry, and

I have drawn from the flats ; the drink I had at Mr. Scott's was a glass of ale ; I saw nothing burning when I was there ; I saw no one fire the bridge ; I can't swear that I had only one glass of ale, but I think so ; there was no other drink.

his
CHARLES × BROWN.
mark

Witness—
THOS. C. BATTLEY,
C.P.S.

Sworn before us, this 27th March, }
1862, at Gosford,— }

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WM. J. NUNN, J.P.

And this deponent, *Benjamin Newcombe*, on his oath, saith :—

Examined by Complainant : I remember the 31st January ; I reside at Jackson's Ridge ; I was working about 200 or 300 yards up the creek ; I heard some chopping up there ; I went and saw the Company's men cutting a bridge ; some of the men I don't know ; I recognized Miller, Brown, and Mr. Scott ; they were all busy cutting the bridge into the creek ; the men then put some bushes at each end, and set it on fire ; they did it together ; Mr. Scott was with the men ; I did not see him fire it ; I believe it was by Mr. Scott's direction the bridge was built ; I believe Mr. Stockdale claims the land ; I don't know to whom it belongs ; I could not see who set fire to the bridge ; the men did it ; I took it to be a private road ; I never saw Mr. Scott's men take timber over the bridge ; when they left it, two hours after dark, I was standing at the entrance of the bridge ; I believe Murray came after ; we were spectators ; it was daylight when I heard the chopping ; it was two hours before knock-off time ; I took it to be as hard work destroying as putting up the bridge ; I did not see them have any refreshment ; I heard the men say they expected some drink when they arrived home ; I saw the men fire the bridge when partly demolished ; I heard Mr. Scott tell the men to set fire to the bridge at each end ; it was part of a bridge, the middle being cut out ; I saw the remainder of the bridge set fire to ; I saw it burning ; I can't say if the men had torches when they returned home ; there was no fire there previous to Mr. Scott giving the order to fire the bridge ; I thought the men acted solely by Mr. Scott's orders ; I should say the bridge was destroyed openly, not secretly.

Examined by Defendant : About eight or ten months ago I built a pit on that ground ; Mr. John Stockdale came to me, and said that it was on his father's ground ; Miller came to me and told me that you gave me permission to cut the log at the pit—the pit you refer to ; it might be eighteen months ago ; I could not say whether it was before or after the lease granted by James Stockdale ; Mr. Scott's people afterwards removed timber over the bridge ; when Miller gave me authority, I commenced cutting the log at the pit again ; I might have given a lift at the destruction of the bridge—I may have done it.

BENJAMIN NEWCOMBE.

Sworn before us, this 27th March, }
1862, at Gosford,— }

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WM. J. NUNN, J.P.

(Recalled.)

And this deponent, *Samuel Tomlinson*, on his oath, saith :—

Examined by Bench : The destruction of the bridge is a serious loss ; it affects me privately ; it affects both private and public rights ; it is open to the public ; there is no prevention of the public passing through ; I never saw Mr. Drew's teams go the road ; it is not a declared public road.

SAMUEL TOMLINSON.

Sworn before us, this 27th March, }
1862, at Gosford,— }

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WM. J. NUNN, J.P.

And this deponent, *Patrick Murray*, on his oath, saith as follows :—

Examined by Complainant : I remember Friday ; I don't know if it was the 31st January ; I was at Jackson's Ridge ; there were about six or seven men there with Mr. Scott ; I heard a good many were at work, and went there ; I saw Miller in the middle cutting a sleeper, and another man cutting another ; I then went to my tea ; Mr. Scott was running about the sleepers—jumping about ; on my return I saw the middle of the bridge go down ; I saw Miller go to the other end of the bridge ; the far end of the bridge

bridge from where I was, was set fire to; I saw the bridge fired at my end by a man called "Hal"; I thought it a fine piece of fun; Mr. Scott was at the other side; I did not hear him give him any orders; I saw Hal put fire to the east end of the bridge; Mr. Scott was running about doing nothing; I did not hear him give any orders, but I looked upon him as superintending the destruction of the bridge.

Examined by Defendant: It must be done openly; it was near the road; when the fire was put in at the west end of the bridge, I could not say that Newcombe was near me; I saw him in several places; he was on my side—the eastern side nearest to Sandy Ridge; it might be about 7 o'clock when the fire was put into the bridge; it was after sundown, about half-an-hour; after the firing Mr. Scott gave us an account of the All-England Eleven, and the men threw in boughs occasionally to make the fire flare up; when they left the bridge it might be about 9 o'clock; I went home and went to bed; the men chucked in bushes to make the fire burn; I heard the men say they wish they were at home at the ale; I should like to have had some of it; I should say that Mr. Tomlinson, as a private person, would suffer by the loss of the bridge—not that the public would suffer; I have known timber to be removed by Mr. Drew, on the other side, a good while ago; I have known Mr. Scott to remove logs from the Ridge over the bridge; I don't know if Mr. Stockdale stopped him or no; I know Stockdale's line, near where the timber was cut; I can't swear that the bridge is on Stockdale's property.

PATRICK MURRAY.

Sworn before us, at Gosford, this }
27th March, 1862,— }

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WM. J. NUNN, J.P.

(Witness cautioned not to say anything to criminate himself.)

And this deponent, *Joseph Frewin*, on his oath, saith as follows:—I remember being on Jackson's Ridge near the 31st January; the bridge was destroyed—chopped down by Mr. Scott's orders; the fire was put in by Mr. Scott's orders; I heard Mr. Scott give the order on the opposite side, by putting it into the piers of the bridge; I took out my matches and put fire to it; I had orders to do so; it might be between 6 and 7 o'clock; when darkness was coming on, and we could see no longer, we thought it best to fire it; I was servant of Mr. Scott; I was ordered to go; I could not refuse, as I had a wife and four children; I thought there was a great responsibility attached to the act, and had some consideration whether I would go or not; I said I considered it a very doubtful case in point of law; I spoke to Miller about it; I was ordered by Mr. Scott; I did not know who was the lessee of the ground; I heard that Mr. Tomlinson had a lease of the ground; there was some object attached to it; I repeated my doubts when I was going up to all the men, whether I was doing right; I thought if I did not do it I should lose my situation; it might be between half-past 8 and 9 when we left the bridge; when I went back I got some refreshment at Mr. Scott's; I had two glasses of ale.

Examined by Defendant: I can't say that in destroying the bridge you said you were doing it to protect your interests; he said that we were to knock down the bridge and he would be responsible for the action; we went to the bridge about 6 o'clock, and did not leave it till after 9; I did not hear any other of the men object to act; the act was done openly.

J. FREWIN.

Sworn before us, this 27th March, }
1862, at Gosford,— }

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WM. J. NUNN, J.P.

Statement of the Accused.

New South Wales, }
Brisbane Water, }
To Wit. }

Lyall Scott, of Orimbah, gentleman, stands charged before the undersigned, four of Her Majesty's Justices of the Peace, in and for the Colony aforesaid, this 27th day of March, in the year of our Lord one thousand eight hundred and sixty-two, for that he, the said *Lyall Scott*, on the 31st day of January last, at Jackson's Ridge, Blue Gum Flat, in the said Colony, did, of malice aforethought, chop down and destroy, by fire, a building—to wit, a bridge, of the value of £100, on the said land rented and leased by one Samuel Tomlinson from one James Stockdale, near Blue Gum Flat aforesaid; and the said charge being read to the said *Lyall Scott*, and the witnesses for the prosecution, Samuel Tomlinson, James Miller, Charles Brown, Benjamin Newcombe, Patrick Murray, and Joseph Frewin, being severally examined in his presence, the said *Lyall Scott* 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 *Lyall Scott* saith as follows:—"I have witnesses to call in defence."

And

And this deponent, *William Jolly*, of Bathurst-street, Sydney, gentleman, on his oath, saith as follows:—I am aware of an agreement made in October, 1860; I saw Mr. Tomlinson in Sydney; I told him that Mr. Scott and I were anxious to get the timber from Stockdale's bush, and that Mr. Scott had been in treaty with Stockdale respecting it; the matter at that time was referred to a Mr. Marshall, at Sydney; I was aware that there would be a difficulty in getting the timber from Mr. Stockdale, in consequence of there being some ill-feeling between him (Stockdale) and Mr. Scott; I also had another reason for the request I made afterwards, which was, that our affairs were not definitely settled, that is, we should get our business back, but we had not at that time got our certificates; I asked Mr. Tomlinson to see Marshall and endeavour to get the right of cutting the timber on Stockdale's land in his name, that he could easily transfer it to us afterwards, and he readily agreed to carry out my wishes; the lease was drawn out in Mr. Tomlinson's name, with the understanding that he was to transfer it to us, but has not done so; he has expressed a wish to do so since, but in consequence of a difficulty of Mr. Stockdale's accepting us as tenants—but that he Stockdale would do so if the rent was guaranteed—I subsequently got Mr. Mort to promise the guarantee of the rent, and I conveyed that intelligence to Mr. Scott, who, I believe, informed Mr. Tomlinson that the guarantee was ready, but he then refused to transfer.

Examined by Defendant: I was at the mill about July or August last; Tomlinson did not urge upon me the expediency of having the transfer carried out; I had a conversation with him; Mr. Tomlinson distinctly expressed his readiness and willingness to transfer his right in the lease to us, provided that we could satisfy Mr. Stockdale with regard to the guarantee for his rent; I have always understood that we have drawn timber from the land since November, 1860; I remember one instance myself; I have been repeatedly advised by you of rent paid for Stockdale's bush—£17 10s. per quarter by cheque drawn in his name; I distinctly swear that in making this agreement Mr. Tomlinson was acting as the agent of William Jolly & Co.; Mr. Tomlinson has been in our employ and has received wages from us since the lease up to the end of January last; I had a conversation with John Stockdale on this subject; I met him in Sydney; some observation was made as to the difficulty between Mr. Tomlinson and Mr. Scott; he also said that he and also his father were perfectly aware that Tomlinson was only acting as our agent with regard to the right of cutting the timber on Stockdale's bush; I replied to him probably he'd be asked to repeat that.

Examined by Complainant: There were no conditions as to agency; you were receiving a large salary; we looked upon you as a confidential servant; we have not been in the habit of employing you as an agent; there is a partnership signed between myself and Mr. Scott; it is some years since it was signed; there has been no fresh deed made since the insolvency; Mr. Mort bought the estate out of the Court, and transferred it to William Jolly and Lyall Scott, which deeds have been signed; the arrangement has been made since the estate has been bought out of the Court, and when we had full power to act for him; I remember seeing you in Sydney; I do not remember saying, "Virtually speaking I am Lyall Scott's master"; it is not likely I should have said so; I remember in July Mr. Baker giving me notice that he would leave me; I remember a proposition; I remember saying that it was very probable Mr. Scott would go out in December; when I saw you in August last I had an idea of giving you an interest in the business; I did not, solely with regard to an expression made by you at that time; the expression was, that in contemplating a partnership with Baker and yourself, he intended keeping that right of cutting timber on that land; there was nothing done to interfere with that promise openly, but I believe from that day to this I have had no further conversation with Mr. Tomlinson on the subject, otherwise it might have been carried out, as Mr. Scott expressed a desire to leave.

WILLIAM JOLLY.

Sworn before us, this 27th March, }
1862, at Gosford,— }

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WM. J. NUNN, J.P.

And this deponent, *Charles Pointer*, on his oath, saith:—

Examined by Defendant: I remember accompanying Tomlinson to Mr. Stockdale's for an express purpose; I remember accompanying him twice; on the first I believe it was to witness an agreement for timber to come to the mill; I witnessed and signed the agreement; you paid me wages for the time I was occupied; first time it was in the morning after breakfast, and we returned at dinner-time; on the second time it was to witness the transfer of the lease of the timber from Mr. Tomlinson to William Jolly and Lyall Scott; Tomlinson gave it to Mr. Stockdale to read, who threw it down, and said he'd have nothing to do with it; he said he would rather look to Mr. Tomlinson than he would to Messrs. Scott & Jolly; you paid me wages for the second time I was down;
Tomlinson

Tomlinson appeared anxious to get Mr. Stockdale to do it ; to the best of my recollection it is four or five months after I had been down the first time.

Examined by Complainant : In the first instance I went with you to witness the lease to you from Stockdale.

CHARLES POINTER.

Sworn before us, this 27th March, }
1862, at Gosford,—

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WM. J. NUNN, J.P.

And this deponent, *Joseph Morris*, on his oath, saith as follows :—

Examined by Defendant : I was present on the 1st of February last, when you tendered Tomlinson £17 10s., in gold, for the rent of Stockdale's timber ; it was at the office at night ; Mr. Tomlinson said he knew nothing about it, and threw a printed notice on the desk not to cut timber on the land ; I saw you count £17 10s. in gold ; you said the money was for the rent, and that he (Tomlinson) was to get the receipt in the usual way ; you had a receipt then ; I did not read it.

Examined by Complainant : I don't say you saw any gold ; the gold was on the counter when you left ; you asked me what I wanted there when I stood at the door ; I said Mr. Scott called me in ; I heard gold fall on the floor ; as soon as Mr. Scott spoke to you about a receipt you said you knew nothing about it, and threw down a notice, and went out.

JOSEPH MORRIS.

Sworn before us, this 27th March, }
1862, at Gosford,—

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WILLIAM NUNN, J.P.

Having considered the evidence, and defendant having been questioned in the usual manner, the Bench divided in opinion ; Messrs. Hely and Harrison being of opinion that no case had been made out ; that under the circumstances the Bench could have no jurisdiction, they considering that the complainants remedy (if any) must be sought by civil action.

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.

MEMO.—Messrs. Hely and Harrison withdrew from the case previously to committal, and afterwards returned to the Court and made the above remarks during our absence.

E. H. HARGRAVES, J.P.
WILLIAM J. NUNN, J.P.

The latter statement is false. We expressed our opinion previously to withdrawing from the case, and on our return to sign the depositions, as our names appeared on the proceedings, we deemed it our duty to state our reasons for acting as we did, in withdrawing.

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.

Lyll Scott committed to take his trial at the next sitting of the Court of General Gaol Delivery, to be holden at Sydney, on Monday, the 7th day of July, 1862.

Bail allowed in the sum of £500, with two sureties in £250 each, to appear and take his trial.

E. H. HARGRAVES, J.P.
WILLIAM JOHN NUNN, J.P.

Recognizance of Bail.

New South Wales, }
To wit. }

BE it remembered, That on the 27th day of March, in the year of our Lord 1862, Lyll Scott, of Orimbah, in the Colony of New South Wales, gentleman, Edward Wamsley, of Blue Gum Flat, in the said Colony, farmer, and William Wamsley, of Blue Gum Flat, in the said Colony, farmer, personally came before E. H. Hargraves, Esq., the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, and severally acknowledged themselves to owe to Our Lady the Queen the several sums following—that is to say,

the said Lyall Scott the sum of £500, and the said Edward Wamsley and William Wamsley the sum of £250 each, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands, and tenements respectively, to the use of our said Lady the Queen, her heirs and successors, if he the said Lyall Scott fail in the condition indorsed.

Taken and acknowledged the day and year first above-mentioned, at Gosford, in the said Colony, before

E. H. HARGRAVES, J.P.

Condition in ordinary cases.

THE condition of the within written recognizance is such, That whereas the said Lyall Scott was this day charged before me, the Justices within mentioned, for that he the said Lyall Scott, on the 31st day of January last, at Jackson's Ridge, Blue Gum Flat, in said Colony, did, of malice aforethought, chop down and destroy by fire a certain building, to wit, a bridge, of the value of £100, on the said land, rented and leased by one Samuel Tomlinson from one James Stockdale, near Blue Gum Flat aforesaid; if therefore the said Lyall Scott will appear at the next Court of General Gaol Delivery, to be holden at Sydney, in and for the Colony of New South Wales, on Monday, 7th day of July, 1862, and there surrender himself into the custody of the keeper of the gaol there, and plead to such information as may be filed against him for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

Recognizance to give Evidence.

New South Wales, }
To wit. }

BE it remembered, That on the 27th March, in the year of our Lord 1862, Benjamin Newcombe, Patrick Murray, and Joseph Frewin, all of Blue Gum Flat, Colony, labourers, personally came before Edward Hammond Hargraves, Esq., one of Her Majesty's Justices of the Peace for the said Colony, and acknowledged themselves to owe to our Sovereign Lady the Queen the sum of £40 each, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements, to the use of our said Lady the Queen, her heirs and successors, if they the said Benjamin Newcombe, Patrick Murray, and Joseph Frewin, shall fail in the condition indorsed.

Taken and acknowledged the day and year first above-mentioned, at Gosford, in the said Colony, before

E. H. HARGRAVES, J.P.

THE condition of the within written recognizance is such, That whereas one Lyall Scott, of Orimbah Steam Saw-mills, gentleman, was this day charged before Justice of the Peace within mentioned, for that he the said Lyall Scott, on the 31st day of January last, at Jackson's Ridge, Blue Gum Flat, in said Colony, did, of malice aforethought, chop down and destroy by fire a certain building, to wit, a bridge, of the value of £100, on the said land, rented and leased by one Samuel Tomlinson from one James Stockdale, near Blue Gum Flat aforesaid; if therefore they the said Benjamin Newcombe, Patrick Murray, and Joseph Frewin, shall appear at the next Court of General Gaol Delivery, to be holden at Sydney, in and for the Colony of New South Wales, on Monday, the 7th day of July next, and there give such evidence as they know upon an information to be then and there preferred against the said Lyall Scott for the offence aforesaid, to the jurors who shall pass upon the trial of the said Lyall Scott, then the said recognizance to be void, or else to stand in full force and virtue.

Recognizance to give Evidence.

New South Wales, }
to wit. }

BE it remembered, that on the 27th March, in the year of our Lord one thousand eight hundred and sixty-two, Samuel Tomlinson, of Blue Gum Flat, timber merchant; James Miller and Charles Brown, of Orimbah, labourers, personally came before Edward Hammond Hargraves, one of Her Majesty's Justices of the Peace for the said Colony, and acknowledged themselves to owe to our Sovereign Lady the Queen the sum of £40 each, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements, to the use of our said Lady the Queen, her heirs and successors, if they the said Samuel Tomlinson, James Miller, and Charles Brown, shall fail in the condition indorsed.

Taken and acknowledged the day and year first above-mentioned, at Gosford, in the said Colony, before

E. H. HARGRAVES, J.P.

THE

THE condition of the within written recognizance is such, that whereas one Lyall Scott, of Orimbah Steam Saw-mills, gentleman, was this day charged before the Justice of the Peace within mentioned, for that he, the said Lyall Scott, on the 31st day of January last, at Jackson's Ridge, Blue Gum Flat, in said Colony, did, of malice aforethought, chop down and destroy by fire a certain building, to wit a bridge, of the value of £100, on the said land, rented and leased by one Samuel Tomlinson from one James Stockdale, near Blue Gum Flat aforesaid; if therefore they, the said Samuel Tomlinson, James Miller, and Charles Brown, shall appear at the next Court of General Gaol Delivery, to be holden at Sydney, in and for the Colony of New South Wales, on Monday, the 7th day of July next, and there give such evidence as they know upon an information to be then and there preferred against the said Lyall Scott for the offence aforesaid, to the jurors who shall pass upon the trial of the said Lyall Scott, then the said recognizance to be void, or else to stand in full force and virtue.

(INDORSEMENT.)

27 March, 1862 (No. 4,477).—Depositions, Regina v. Lyall Scott—Arson.

I decline to prosecute in this case.—J.F.H., A.G.—25/4/62.

Letter to Bench of Magistrates, Gosford, to countermand the witnesses presence.—W.E.P.—26/4/62.

BENCH OF MAGISTRATES, GOSFORD, to ATTORNEY GENERAL.

Police Office, Gosford,
24 July, 1862.

SIR,

We do ourselves the honor to apply to you, on behalf of Mr. Samuel Tomlinson, for the return of his copy of a lease from James Stockdale to himself, produced by him on the 27th March last, and attached to his deposition in the case named in the margin, and forwarded to your office with the depositions in the case.

The Queen
v.
Scott,
for arson.

We have, &c.,

JAMES HARRISON, J.P.
(for the Bench.)

Copy of Minutes on this Letter.

Would the Attorney General have the goodness to state whether anything should be done pending the consideration of this and the other cases forwarded with his report of the 16th May last to the Honorable the Colonial Secretary?

Unless some urgent necessity has arisen for this part of the documents, it will be best that it should remain till the whole matter is settled.

Forward this to the Colonial Secretary, and inform Mr. Harrison where to apply for the copy if he still wishes it.

JOHN F. HARGRAVE, A.G.

B. C., 7 August, 1862.—W.E.P.

The Principal
Under Secretary.

JAMES HARRISON, Esq., J.P., to ATTORNEY GENERAL.

Police Office, Gosford,
8 April, 1862.

SIR,

I have the honor herewith to transmit you the depositions taken before me, and three other Magistrates, on the 28th ultimo, in the case named in the margin; as they differed with me in opinion, and retired from the case, I deemed it my duty to commit the prisoner for trial at the Court of General Gaol Delivery, to be holden at Sydney, on Monday, the 7th July next, having admitted him to bail, and have bound over the witnesses in the usual recognizances to appear and give evidence on the part of the Crown.

The Queen
v.
Tomlinson,
for perjury.

I have, &c.,

JAMES HARRISON, J.P.

(Depositions of Witnesses.)

THE QUEEN v. TOMLINSON, FOR PERJURY.

New South Wales, Brisbane Water, }
to wit.

THE examination of Lyall Scott, of Orimbah, in the Colony of New South Wales, gentleman, William Jolly of Bathurst-street, Sydney, gentleman, and Thomas Cade Battley, of Gosford, Clerk of the Bench, James Miller, Charles Pointer, of Orimbah, labourers, and John R. Stockdale, of Blue Gum Flat, in the said Colony, farmer, taken on oath, this 28th day of March, in the year of our Lord one thousand eight hundred and sixty-two, at the Police Office, Gosford, in the Colony aforesaid, before the undersigned, four of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of Samuel Tomlinson, who is charged this day before us, for that he the said Samuel Tomlinson, on the 20th day of February last, at Police Office, Gosford, in the said Colony, being examined on oath, in a case there being tried by the Bench of Magistrates, swear:—"That there was never any understanding or arrangement that he was to transfer

“transfer his right and interest in a lease granted to him by one James Stockdale, to cut timber on certain lands at Blue Gum Flat, known as portion of Holl’s grant, to William Jolly and the said Lyall Scott, or to anyone else, and that in entering upon such lease, he did not act as the agent of the said parties; and further, that the said Lyall Scott was not in the habit of handing him, quarterly, the sum of £17 10s., for the purpose of being handed by him to James Stockdale, as rent due under the said lease,” well knowing at the same time that such statements were false.—He is charged with wilful and corrupt perjury.

New South Wales, }
to wit. }

THE information and complaint of Lyall Scott, Esquire, of Orimbah Steam Saw-mills, taken this 13th day of March, in the year of our Lord one thousand eight hundred and sixty-two, before the undersigned, one of Her Majesty’s Justices of the Peace in and for the Colony aforesaid, who saith as follows:—On the Thursday, the 20th of February, one Samuel Tomlinson, when being examined on oath in a case then being tried by the Bench of Magistrates at Gosford, swore—“That there was never any understanding or arrangement that he was to transfer his right and interest in a lease granted to him by one James Stockdale, to cut timber on certain lands at Blue Gum Flat, known as portion of Holl’s Grant, to William Jolly and the said Lyall Scott, or to anyone else; and that, in entering upon such lease, he did not act as the agent of the said parties; and further, that the said Lyall Scott was not in the habit of handing him, quarterly, the sum of £17 10s., for the purpose of being handed by him to James Stockdale, as rent due under the said lease,” well knowing, at the same time, that such statements were false.—I charge the said Samuel Tomlinson with wilful and corrupt perjury, and pray that he may be brought before the Court, and dealt with according to law. William Jolly, Esquire, of Bathurst-street, Sydney, is a witness in the case.

Summons for
27 March.

LYALL SCOTT.

Taken and sworn before me, the day and year first }
before mentioned, at Gosford,— }

JAMES HARRISON, J.P.

This deponent, *Lyall Scott*, on his oath, saith as follows, and his information of the 13th March instant having been read over to him, in the presence of the defendant, adheres to the same, and further saith:—About the month of October, 1860, I had a conversation in Sydney with one John Stockdale with regard to the leasing of the timber from one James Stockdale; he, knowing that we have for some time been anxious to lease this timber, stated that he thought it could be arranged through Mr. Marshall, son-in-law to James Stockdale; after consultation with Mr. Jolly, we arranged that Tomlinson should see Marshall, and endeavour to lease it on our behalf; terms were arranged with Marshall, but as he could not finally close without the authority of Stockdale, Mr. Stockdale being down at Brisbane Water at that time, the matter fell through at that time; on the return of Tomlinson to Brisbane Water, some time in October, he several times saw Mr. Stockdale on the subject, by my instructions; and I finally authorized him to lease the timber on a certain portion of the ground, for the sum of £70 per annum—the lease to be drawn out in his name, and his interest therein transferred to Mr. Jolly and myself when required by us; I drew up the lease in my handwriting; I sent down a man, along with Tomlinson, to witness the signing of the lease; I paid him wages for the time that they were so occupied; Tomlinson brought me back the lease duly signed and witnessed; that original lease I have held in my possession since, and now hold in my hands; about three or four months, (I could not say how long after the signing of the lease,) I spoke to Tomlinson about having the transfer completed; this he was quite agreeable to do; I drew out a rough copy of a transfer, and when I read it over to him he was perfectly satisfied with it, and agreed to sign it; I said I will draw a clean copy of it out, and you can sign it some time; I had not time to do it then; the matter was not mentioned for some days after that, and on my saying that I had a clean copy ready for his signature, he said that, on further consideration, he would not sign it unless there was a memorandum attached to the bottom, to be signed by James Stockdale, agreeing to accept us as tenants; after some conversation and remonstrance on my part, I appended this memorandum, and he went down to Stockdale’s, accompanied by one Charles Pointer, to witness Stockdale’s signature; I paid both Tomlinson and Pointer wages for the time they were so engaged; on his return he told me that Stockdale refused to sign it, without some guarantee for his rent; some considerable time afterwards I saw Stockdale on the subject, and he agreed to the transfer if Mr. Mort would guarantee the rent; I took steps to get this guarantee, in conjunction with Mr. Jolly, and on my asking Tomlinson to sign the transfer with his guarantee, he flatly refused to do so; I then told him his conduct was villainous, and that I felt called upon to do what I could to make him carry out the arrangement; during the whole of this time I had paid the rent regularly, handing the sum of £17 10s. for each quarter’s rent, to Tomlinson, to pay to Stockdale on our account, on each occasion accompanied by a receipt for the signature of Stockdale, which Tomlinson afterwards handed back to me, signed by Stockdale; on one occasion some time elapsed before the receipt was handed to me, and then the receipt handed to me was not in my handwriting, but I believe in that of Tomlinson; I have held those receipts since, and now hold them in my possession (I do not hand them in not being asked to do so); it is not my intention at present to hand them in; on one or two occasions Tomlinson told me, when the quarter’s rent was due, that Mr. Stockdale had been up for his rent, after which I handed Tomlinson the money for the rent; on one occasion in particular, on seeing Stockdale down at the mill, and knowing

knowing the quarter's rent was due, I took the £17 10s. down to Tomlinson, accompanied by the receipt in the usual way, which in less than ten minutes was returned to me, signed by Stockdale; I distinctly swear that in making that agreement, Tomlinson was acting by my instructions and by my authority, as is shewn by his reference to me with regard to the terms.

Examined by Court: On the 1st November, 1860, when this agreement was made, I had not received my certificate; I was at that time an uncertified bankrupt; Mr. Tomlinson has been in my employment since; we have never taken legal measures to obtain the lease, the lease being in my possession ever since, and I hold it in my hand; I am at present a member of the firm of Jolly & Co., and the manager of the Orimbah Mills; he never refused to sign the transfer till the end of January, provided that Stockdale accepted us as tenants; the statement made by Tomlinson, in which I charge him with committing perjury, was material to the issue of the case then being tried, as I destroyed the bridge, acting under the belief that I had a perfect right to do so, under the arrangement made by Tomlinson, to transfer his right on the lease to us; I am not aware of any clause in the lease authorizing me to destroy the bridge; when I destroyed the bridge I was aware that the lease was not transferred; I have always considered that I was in possession of the land; I have no lease from Stockdale or Tomlinson; I have handed over money to be paid by Tomlinson to Stockdale as rent; I have taken active steps to prevent other parties from cutting on the ground; I considered that I was, and am now, in possession of the ground.

Examined by Defendant: I have already sworn that you acted under my instructions; it may be the custom when parties are employed as agents, that it is customary to have an authority in writing, for and on behalf of the parties for whom they are acting; I can't say that you had any written instructions from Mr. Jolly to act as agent; you had none from me; there was such a firm as Jolly & Co.; there has not been fresh deeds of partnership signed since my insolvency; I am not aware that there has been a proposition to receive you as a partner, and for me to retire; this could only have been done with my consent; I hold these are deeds of partnership; I said that it came with a bad grace from you, and that your conduct was villainous; in September or October, 1860, I did not write to Mr. Jolly, stating that Tomlinson & Co. had applied to one James Stockdale to lease the timber; I did not do so to the best of my recollection; I am not aware that you applied to one James Stockdale for the lease of the timber, previous to the year 1860; you did not give me any receipt for timber sold to you; you never sold timber to me in logs.

Examined by Court: He did not give me a receipt for money paid on account of timber off Stockdale's land, to the best of my recollection.

Examined by Defendant: I remember Mr. Jolly buying at the mills about August last; he, Mr. Jolly, told me he was going down to your house; when he rose to go, I might have said you'll hear plenty if you go there; when Mr. Jolly was there in August, we were on the very best of terms, and have always been; I am not aware what business he had with you, he came to see me.

Examined by Court: I believe I know the boundaries of the land; there is a house there, which I believe is Tomlinson's; I have not taken any legal steps as yet to eject Tomlinson; the house is in view of the public road; it must have been erected some time about the middle of January; I think it is covered with long shingles; it is fifty or sixty yards from the public road; he purchased timber from me, I presume, for building the house; I asked men, who were at work on the land, by whose authority they were there; they said Tomlinson's; I have heard of some parties working on the ground; I have taken no measures to remove them.

Sworn before us, this 28th March, }
1862, at Gosford,—

LYALL SCOTT.

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WM. J. NUNN, J.P.

And this deponent *William Jolly*, on his oath, saith as follows:—

Examined by Complainant: I know the defendant Samuel Tomlinson; he has been some years in our employment; he was in our employment in October and November, 1860; I remember authorizing him on our behalf to negotiate the lease of timber from one James Stockdale; about that time we had been negotiating with Mr. Stockdale for the right of cutting timber on some land that he held; knowing that he was disposed to lease the cutting; I ascertained afterwards that there was some ill-feeling existing between Mr. Stockdale and Mr. Scott, which would place some difficulty in the way of getting the lease direct from him to us; I therefore, in or about October, meeting Mr. Tomlinson in Sydney, explained to him our wish for getting this lease, and asked him to endeavour to get it drawn out in his name; he fell thoroughly into my wishes in the matter; we had an interview with a person of the name of Marshall, in Sydney, touching that subject; Marshall, I believe, at that time, was authorized to close the matter on behalf of Stockdale; I explained the matter fully to Mr. Marshall when Mr. Tomlinson was present, and I then distinctly stated that Mr. Tomlinson was getting the lease in the first instance, direct to him, with the understanding that it was to be transferred to us; the lease was subsequently signed in the way which we desired; at the time the lease was signed Tomlinson was acting on our behalf, and by our instructions.

Examined by Court: My estate was not under sequestration; it was brought out of the Court; the estate was released from sequestration; we got the certificate

as

as a matter of form; Tomlinson was my paid servant at the time; at the time the lease was entered into there was a distinct and positive understanding that Tomlinson was to transfer his right, title, and interest in the lease to us, when demanded; I have not the faintest doubt on my mind that there was that understanding.

Examined by Complainant: I have repeatedly urged you to get the transfer completed; I remember being at the mill in July or August, about that time; we were speaking about this land, and I asked Mr. Tomlinson why he had not transferred the land as Mr. Scott had desired him; he said he was quite willing and I believe anxious to do so, but that there was a difficulty with Mr. Stockdale, who would not consent to the transfer without the rent was guaranteed; I said that I would soon get a suitable guarantee; I think I mentioned Mr. Mort's name at the time, but am not certain; he said that when the guarantee was forthcoming, that he would be ready to sign the transfer, or words to that effect; he said he did not like the responsibility to be hanging over his head—he would be glad to be relieved of it; some little time ago I had a conversation with John Stockdale, in Sydney; I remember the purport of it; I met John Stockdale in Pitt-street, Sydney; it was during the time of the Cricket Match; some allusion was made to the misunderstanding between Mr. Scott and Tomlinson with regard to the land, or destroying a bridge; he said that he was quite aware as well as his father that the timber was taken for us (alluding to the timber taken on Stockdale's land); I said that probably something more would be heard of this; I made a note of Stockdale's reply; at the time I was down, in July and August, I remember your expressing a desire to go out of the firm at the end of the year, and you previously alluded to it; from information I received I expressed an intention, if we could arrange matters, to give Mr. Tomlinson an interest in the business; that was the first communication I had with him on the subject; this was eight or nine months after the signing the lease; I remember saying to Mr. Baker that I did not mean carrying out the arrangement as far as Tomlinson was concerned; I did explain all these matters to you on your subsequent visit to Sydney fully, and Mr. Mort was also aware of the circumstances as they transpired.

Examined by Defendant: I have no recollection of Mr. Scott having written to Sydney previous to the agreement that Tomlinson & Co. had applied to have the timber from one James Stockdale; I have no recollection of anything touching the subject; I swear I never said I was Lyall Scott's master, and that I could kick him out of the firm when I liked; there has not been a fresh deed of partnership signed since our insolvency; there was a full schedule made out and transferred to us, and the whole estate transferred to us by deed, drawn by Johnson & Johnson, solicitors, of Sydney; there was no understanding with Mr. Mort and myself that we would take the business on trial for twelve months to see how it would answer; I did inform Mr. Baker that I intended to make some arrangement with him and Tomlinson at the end of the year; when at the mill I came down to the house to speak to you; it is very likely the subject referred to was spoken of; I did not hold the proposition to you close on Christmas.

Examined by Complainant: When down in July you and I have been on the best of terms; there has not been the slightest dispute between us since we joined in partnership till the present time.

WILLIAM JOLLY.

Sworn before us, this 28th March, }
1862, at Gosford,—

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WM. J. NUNN, J.P.

And this deponent, *Thomas Cade Battley*, Clerk of the Bench, on his oath, saith as follows:—I produce the depositions in the case *Tomlinson v. Scott*, for wilfully and maliciously destroying a bridge; the information is dated on the 11th February, and the case heard before the Court on the 20th February following; the case was then adjourned for the hearing of a full Bench, to the 6th March; and on that day, a full Bench not being present, was further adjourned for the hearing of a third Magistrate, to the 13th March, when the Court dismissed the case, as they were of opinion they had no jurisdiction; the proceedings are in my handwriting; I now produce and mark with the letter (B) the depositions referred to, which I now read by direction of the Court.

THOS. C. BATTLE.

Sworn before us, this 28th March, }
1862, at Gosford,—

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WM. J. NUNN, J.P.

(B.)

New South Wales, }
to wit.

THE information and complaint of *Samuel Tomlinson*, of Orimbah, engineer, taken this 11th day of February, in the year of our Lord 1862, before the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony aforesaid, who saith as follows:—

follows :—On night of 31st ultimo, about 8 o'clock, I received information that a wooden bridge, upon land leased by me from one James Stockdale, near Blue Gum Flat, had been cut down, burnt, and completely destroyed, by direction of Mr. Lyall Scott, by six men, his servants, the destruction of which bridge is a serious injury to me ; I charge the said Lyall Scott with wilfully and maliciously causing the said bridge to be destroyed, and pray that he may be summoned to answer the said charge. James Miller, Charles Brown, Joseph Frewin, Alfred Mason, Edward Hawkins, William Thomson, servants of the said Lyall Scott, are witnesses in the case.

SAMUEL TOMLINSON.

Taken and sworn before me, the day and year }
first before mentioned, at Gosford,— }

WILLIAM JOHN NUNN, J.P.

Police Office, Gosford,
20 February, 1862.

New South Wales, }
To wit. }

Lyall Scott, of Orimbah, gentleman, charged on summons with wilfully and maliciously causing a bridge to be cut down, burnt, and destroyed, upon land at Blue Gum Flat, rented from one James Stockdale by one Samuel Tomlinson.

Samuel Tomlinson, of Orimbah, engineer, having been sworn to his information of the 11th February last, in defendant's presence, states it to be true, and saith :—

Examined by Defendant : I lease the ground in question (on being called on by defendant to produce the lease, declines doing so) ; I have been in possession since the 1st November, 1860 ; at the time I entered into the lease with James Stockdale, I did not act as agent for Jolly & Co. ; it was on my own account ; the land I lease is the greater portion of the land held by James Stockdale ; I lease the timber on the ground on the greater portion of 2,000 acres, held by James Stockdale ; what I hold is on this side of the creek, on the side next to the Maitland road, divided by the creek ; I rent the timber upon the land, but not the land ; I have the use of the land for that purpose, but not for cultivation ; defendant has no right to the timber on the land I rent ; the lease states I do not rent the land for cultivation ; Mr. Scott has had no right to the ground ; I have been in Mr. Scott's employ ; I have been out of his employment a week and four days ; subsequent to the agreement there was no understanding that the right or my interest in the timber was to be transferred to William Jolly & Co. ; I swear the bridge is on the land I lease ; I don't know the exact position of the lines according to the surveyor's plan ; I have been over the lines with the owner's son ; I swear that there was no positive understanding that my interest in the lease was to be transferred to either William Jolly or Lyall Scott ; there has been no definite understanding that I was to transfer the lease to anyone or at any time ; from the 1st November, 1860, to the 1st January, 1862, I paid rent for that property ; you never handed me a quarter's rent ; you were not in the habit of handing me, quarterly, the sum of £17 10s., with a receipt purporting to be for a quarter's rent for the lease of cutting of timber ; you did hand me the sum of £17 10s. as remuneration for timber cut off the ground from 1st November, 1860, to 1st January, 1862 ; you handed me the sum of £17 10s. about five times ; at the time the money was tendered I took a receipt ; each time at the time I took it was not signed ; I could not swear that I handed all the receipts back to you, I might some of them ; when I handed them back they were signed by James Stockdale to myself ; at any time before any of these amounts were due ; I never said Mr. Stockdale had been up for his money.

Examined by Bench : There is a lease ; there are more than one ; there is only one lease for the sole right of cutting and removing timber from that land ; my lease distinctly specified that I am to cut and remove timber from the land ; the lease is for five years, at £70 per annum, to be paid in advance, and the bridge was destroyed on that land ; on a week last Saturday I served you with a notice, and posted notices warning parties not to trespass on the land.

SAMUEL TOMLINSON.

Sworn before us, this 20th February, }
1862, at Gosford,— }

JAMES HARRISON, J.P.
JOHN A. OSBORNE, J.P.

There being a difference of opinion on the Bench as to adjudicating in this case, the Court adjourned the further hearing of the case for fourteen days for the hearing of a full Bench.

JAMES HARRISON, J.P.
JOHN A. OSBORNE, J.P.

Police

Police Office, Gosford,
6 March, 1862.

New South Wales, }
To wit. }

(Adjourned from 20th February last.)

Lyall Scott, of Orimbah, gentleman, charged on summons with wilfully and maliciously causing a bridge to be cut down, burnt, and destroyed upon land at Blue Gum Flat, rented from one James Stockdale by one Samuel Tomlinson.

Samuel Tomlinson, of Orimbah, engineer, appears with the defendant, Lyall Scott, who pleaded that the Court had no jurisdiction in the case.

A full Bench not being present, the Court further adjourned the hearing of the case to Thursday next, for the attendance of a third Magistrate.

JAMES HARRISON, J.P.
JOHN A. OSBORNE, J.P.

Police Office, Gosford,
13 March, 1862.

New South Wales, }
To wit. }

(Adjourned from 6th instant for the hearing of a third Magistrate.)

Lyall Scott, of Orimbah, gentleman, charged on summons with wilfully and maliciously causing a bridge to be cut down, burnt, and destroyed upon land at Blue Gum Flat, rented from one James Stockdale by one Samuel Tomlinson.

Samuel Tomlinson, of or near Orimbah, having been resworn to his information of the 11th February last, in defendant's presence, states it to be true, and further saith that he desires to withdraw the information in this case.

SAMUEL TOMLINSON.

Sworn before us, this 13th March, }
1862, at Gosford,— }

JAMES HARRISON, J.P.

The Court were of opinion that they had no jurisdiction and dismissed the information.

J. H., J.P.

And this deponent, *James Miller*, on his oath, saith as follows:—

Examined by Complainant: I know the defendant; I am aware that he has been in your employment for some considerable time; I remember on the 23rd day of January; I went down to the mill to grind my axe; Tomlinson came to me and asked me where I was working; I told him on Stockdale's Hill; he said, "Are you working on the left hand side?" I said, "Right and left;" he said, "It was a damned dirty thing taking all the best of the timber." He said, "Let him make good use of his time; he has paid the rent up to the 31st of this month;" I said, "Who has paid the rent—Mr. Scott;" he said, "Yes; he had paid the rent; he paid it to Tomlinson."

Examined by Bench: He said he had paid the quarter's rent to 31st January, and to that time he could not stop him, but he, Scott, had better not go there after the 31st day; I said I always understood that that timber was taken for the mill; "So it was," he says, "That I don't deny; but now I am going into business on my own account; I now want it for my own use."

Examined by Complainant: He mentioned the lease in December; that when he rented the timber it was rented for the mill; I have been in the habit of falling timber on that ground by your instruction.

JAMES MILLER.

Sworn before us, at Gosford, this }
28th March, 1862,— }

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.

And this deponent, *Charles Pointer*, on his oath, saith as follows:—

Examined by Complainant: I remember accompanying Tomlinson down to old Mr. Stockdale's house; I went twice; you paid me wages on both occasions when I went there; in the first instance I went to witness a lease of timber to come to the mill; I believe I did witness it; on the second occasion I went to witness a transfer of the lease to Mr. Scott,

Scott and Jolly, from Tomlinson; Mr. Tomlinson handed the written document to Mr. Stockdale, who threw it down, and said he would not agree to it; I understood that it was a transfer of the lease from Tomlinson to Messrs. Scott and Jolly; Tomlinson said that it was the transfer; he asked Mr. Stockdale two or three times to sign it; he said that he would rather look to Mr. Tomlinson for the security than to Scott and Jolly.

Examined by Defendant: I did not read the first lease—I witnessed the signatures and signed it; I heard it read; I believe the substance of the lease was, that the timber was for the mill; I don't recollect any other on the first occasion.

CHARLES POINTER.

Sworn before us, at Gosford, this }
28th March, 1862,— }

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WM. J. NUNN, J.P.

And this deponent, *John Stockdale*, on his oath, saith as follows:—

Examined by Complainant: In October, 1860, I recollect having a conversation with you with regard to leasing the timber on my father's property; I remember suggesting that we should see Mr. Marshall on the subject; I forget what was done; I forget, it was so long ago; I recollect Mr. Tomlinson going to my father to rent the timber; I thought he was acting on your behalf; he went to my father's, and I thought he was acting on your behalf; there was some conversation about the value of the timber on the ground; between yourself and me, and what it would be worth to you; I thought you had an interest in the matter; from conversation between my father and Tomlinson I was not aware that the timber was not for the mill; I was on speaking terms with my father, but not very friendly; I remember having a conversation with Mr. Jolly, in Sydney, some short time ago; I said I thought that when the timber was leased it was for the mill; I heard my father's name mentioned; he (Mr. Jolly) said that my father and Tomlinson were acting unjustly, and he should see further into the matter; I am in the habit of drawing timber from the ground to the mill; I have seen the agreement and copy, and am of opinion that Mr. Tomlinson has a right to the ground; I have heard my father say he looked to Mr. Tomlinson for the rent.

Examined by Bench: There are a number of men working on the ground, I believe, for Mr. Tomlinson; there is a house there, in which Mr. Tomlinson lives; it is near the road, and in a conspicuous place; my father is jealous of his rights; the house is near my father's.

Examined by Defendant: I never said, in Sydney, to Mr. Jolly, that you were acting as agent for Scott and Jolly; I don't recollect any agency being named at all; I have been on Jackson's Hill, to draw timber for you.

Examined by Court: I knew the land was my father's; I never saw any agreement; I thought at the time the timber was going to the mill.

Examined by Defendant: I have seen notices posted in conspicuous places, similar to the one you produce.

JOHN R. STOCKDALE.

Sworn before us, at Gosford, this }
28th March, 1862,— }

HOVENDEN HELY, J.P.
JAMES HARRISON, J.P.
E. H. HARGRAVES, J.P.
WM. J. NUNN, J.P.

Mr. Harrison having intimated his intention to commit the prisoner, Messrs. Nunn and Hargraves are of a different opinion, and believe that no case has been made out, and therefore withdrew from the case.

E. H. HARGRAVES, J.P.
WILLIAM JOHN NUNN, J.P.

Mr. Hely, not believing that a very strong *prima facie* case has been made out, but still considering that there are some grounds for the charge, was of opinion that the depositions should be sent to the Honorable Attorney General, the defendant being in the meantime bound over in his own recognizances to appear if called on.

H. HELY, J.P.

Statement of the Accused.

New South Wales, }
Brisbane Water, }
To wit. }

SAMUEL TOMLINSON stands charged before the undersigned, four of Her Majesty's Justices of the Peace in and for the Colony aforesaid, this 28th day of March, in the year of our Lord one thousand eight hundred and sixty-two, for that he, the said Samuel Tomlinson, on the 20th day of February last, at the Police Office, Gosford, in the said Colony, being examined on oath in a case then being tried by the Bench of Magistrates, swear "That there was never any understanding or arrangement that he

“ was to transfer his right and interest in a lease, granted to him by one James Stockdale, “ to cut timber on certain lands at Blue Gum Flat, known as portion of Holl’s grant, to “ William Jolly, and the said Lyall Scott, or to anyone else, and that in entering upon “ such lease, he did not act as the agent of the said parties ; and further, that the said “ Lyall Scott was not in the habit of handing him quarterly the sum of £17 10s., for the “ purpose of being handed by him to James Stockdale, as rent due under the said lease”— Well knowing at the same time that such statements were false, he is charged with wilful and corrupt perjury ; and the said charge being read to the said Samuel Tomlinson, and the witnesses for the prosecution, Lyall Scott, William Jolly, Thomas Cade Battley, James Miller, Charles Pointer, and John R. Stockdale being severally examined in his presence, the said Samuel Tomlinson is now addressed by us 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 Samuel Tomlinson saith as follows :—“ I plead not guilty to the charge ; “ that these steps have been maliciously taken to shake my evidence that I have given “ against Lyall Scott.” Prisoner committed to take his trial at the next sittings of the Court of General Gaol Delivery, to be holden at Sydney, on Monday, the 7th day of July, 1862. Bail allowed in £80, with two sureties in £40 each, to appear and take his trial for perjury.

JAMES HARRISON, J.P.

Recognizance of Bail.

New South Wales, }
To wit.

BE it remembered, That on the 28th day of March, in the year of our Lord one thousand eight hundred and sixty-two, Samuel Tomlinson, of Blue Gum Flat, in the Colony of New South Wales, timber merchant, William Nunn, of the Oaks, West Maitland, in the said Colony, gentlemen, and Thomas Baker, of City of Sydney, in the said Colony, timber merchant, personally came before James Harrison, Esq., the undersigned, one of Her Majesty’s Justices of the Peace for the said Colony, and severally acknowledged themselves to owe to Our Lady the Queen the several sums following (that is to say.)—the said Samuel Tomlinson, the sum of £80, and the said William Nunn, and Thomas Baker, the sum of £40 each of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of Our said Lady the Queen, her heirs and successors, if he the said Samuel Thomlinson fail in the condition indorsed.

SAMUEL TOMLINSON.
WILLIAM NUNN.
THOMAS BAKER.

Taken and acknowledged the day and year first above-mentioned, at Gosford, in the said Colony, before

JAMES HARRISON, J.P.

Condition in ordinary cases.

THE condition of the within written recognizance is such, That whereas the said Samuel Tomlinson was this day charged before us, the Justices within mentioned, for that he, the said Samuel Tomlinson, on the 20th day of February last, at the Police Office, Gosford, in the said Colony, being examined on oath in a case there tried by the Bench of Magistrates, make statements respecting the transfer of a lease, well knowing at the same time that such statements were false, whereby he is charged with wilful and corrupt perjury ; if therefore the said Samuel Tomlinson will appear at the next Court of General Gaol Delivery, to be holden at Sydney, in and for the Colony of New South Wales, on 7th day of July next, and there surrender himself into the custody of the keeper of the Gaol there, and plead to such information as may be filed against him for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

Recognizance to give Evidence.

New South Wales, }
To wit.

BE it remembered, That on the 28th March, in the year of our Lord one thousand eight hundred and sixty-two, Lyall Scott, of Orimbah, gentleman, William Jolly, of Bathurst-street, Sydney, gentleman, and Thomas Cade Battley, of Gosford, Clerk of the Bench, personally came before James Harrison, Esq., one of Her Majesty’s Justices of the Peace for the said Colony, and acknowledged themselves to owe to our Sovereign Lady the Queen the sum of £40 each of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements, to the use of our said Lady the Queen, her heirs and successors, if they the said Lyall Scott, William Jolly, and Thomas Cade Battley, shall fail in the condition indorsed.

LYALL SCOTT.
WILLIAM JOLLY.
THOMAS C. BATTLEY.

Taken and acknowledged the day and year first above-mentioned, at Gosford, in the said Colony, before

JAMES HARRISON, J.P.

THE

THE condition of the within written recognizance is such, That whereas one Samuel Tomlinson, of Brisbane Water, timber merchant, was this day charged before the Justice of the Peace within mentioned, for that he the said Samuel Tomlinson, on the 20th day of February last, at the Police Office, Gosford, in the said Colony, being examined on oath in a case there tried by the Bench of Magistrates, make statements respecting the transfer of a lease, well knowing at the same time that such statements were false, whereby he is charged with wilful and corrupt perjury; if therefore they the said Lyall Scott, William Jolly, and Thomas Cade Battley, shall appear at the next Court of General Gaol Delivery, to be holden at Sydney, in and for the Colony of New South Wales, on Monday, the 7th day of July next, and there give such evidence as they know upon an information to be then and there preferred against the said Samuel Tomlinson, for the offence aforesaid, to the jurors who shall pass upon the trial of the said Samuel Tomlinson, then the said recognizance to be void, or else to stand in full force and virtue.

Recognizance to give Evidence.

New South Wales,)
to wit.

BE it remembered, That on the 28th March, in the year of our Lord one thousand eight hundred and sixty-two, James Miller, Charles Pointer, of Orimbah, labourers, John R. Stockdale, of Blue Gum Flat, farmer, personally came before James Harrison, Esquire, one of Her Majesty's Justices of the Peace for the said Colony, and acknowledged themselves to owe to our Sovereign Lady the Queen the sum of £40 each of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements, to the use of our said Lady the Queen, her heirs and successors, if they the said James Miller, Charles Pointer, and John R. Stockdale, shall fail in the condition indorsed.

JAMES MILLER.
CHARLES POINTER.
JOHN R. STOCKDALE.

Taken and acknowledged the day and year first above-mentioned, at Gosford,
in the said Colony, before

JAMES HARRISON, J.P.

THE condition of the within written recognizance is such, That whereas one Samuel Tomlinson, of Brisbane Water, timber merchant, was this day charged before the Justice of the Peace within mentioned, for that he the said Samuel Tomlinson, on the 20th day of February last, at the Police Office, Gosford, in the said Colony, being examined on oath in a case there tried by the Bench of Magistrates, make statements respecting the transfer of a lease, well knowing at the same time that such statements were false, whereby he is charged with wilful and corrupt perjury; if, therefore, they the said James Miller, Charles Pointer, and John R. Stockdale shall appear at the next Court of General Gaol Delivery, to be holden at Sydney, in and for the Colony of New South Wales, on Monday, the 7th day of July next, and there give such evidence as they know upon an information to be then and there preferred against the said Samuel Tomlinson, for the offence aforesaid, to the jurors who shall pass upon the trial of the said Samuel Tomlinson, then the said recognizance to be void, or else to stand in full force and virtue.

(INDORSEMENT.)

28th March, 1862.—(No. 4,476.)

Depositions Regina v. Samuel Tomlinson.—(Perjury.)

I decline to prosecute in this case.—J.F.H., A.G.—16/5/62.

MINUTE Paper for the Executive Council.

*Colonial Secretary's Office,
Sydney, 5 July, 1862.*

THE Attorney General brings under notice the very extraordinary conduct of Messrs. Hargraves, Nunn, Hely, Harrison, Scott, and Osborne, Justices of the Peace, acting at Brisbane Water during the present year, and it is recommended, under the circumstances detailed in the Attorney General's minute, that these Magistrates should be called upon to shew cause why they should not be removed from the Commission of the Peace.

CHARLES COWPER.

THE Executive Council having carefully considered the Minute of the Honorable the Attorney General and other papers therewith submitted, with reference to the conduct of certain Justices of the Peace acting in the district of Brisbane Water, approve of the recommendation of the Honorable the Colonial Secretary, and advise that the several gentlemen mentioned in the within Minute, be called upon to shew cause why they should not be removed from the Commission of the Peace.

CHAS. COWPER, JUN.,
Clerk of the Council.

THE

THE UNDER SECRETARY to E. H. HARGRAVES, Esq., J.P.

*Colonial Secretary's Office,
Sydney, 31 July, 1862.*

SIR,

The Attorney General has brought under the notice of the Government what appears to be very extraordinary conduct on the part of certain Justices of the Peace acting for the district of Brisbane Water.

2. A detailed statement is enclosed of the proceedings referred to, in the course of which the personal animosity and groundless charges made by the Magistrates against each other, are obvious; and as these misunderstandings and recriminations tend to lower the character of the Magistracy, and to impair the confidence of the public in the administration of justice, I am directed by the Colonial Secretary to inform you that His Excellency the Governor, with the advice of the Executive Council, has ordered that the Magistrates alluded to should be called upon to shew cause why they should not be removed from the Commission of the Peace.

3. I am accordingly to request that, as one of these Magistrates, you will submit any explanation which you may desire to make on the subject.

I have, &c.,
W. ELYARD.

Similar to foregoing, to—

HOVENDEN HELY, Esq., J.P.
JAMES HARRISON, Esq., J.P.
WILLIAM J. NUNN, Esq., J.P.
LYALL SCOTT, Esq., J.P.
JOHN A. OSBORNE, Esq., J.P.

The Queen
v.
W. J. Nunn.

On the 13th February, 1862, Messrs. Hely, Scott, and Harrison, Magistrates at Brisbane Water, in a communication to the Attorney General, charged Mr. W. J. Nunn, also a Magistrate residing in that district, with "suppressing a warrant, and compromising a felony." Mr. Nunn gave an explanation of his conduct, which appeared to be tolerably consistent to the Attorney General. The Attorney General, with reference to these communications, recommended the three Magistrates first named to exercise their own judicial powers against Mr. Nunn on such evidence as they might think sufficient.

2. The inquiry into the charge against Mr. Nunn is stated by Messrs. Osborne and Hargraves to have been unusually fixed for a special day, without sufficient notice being sent to the other Magistrates of the district. Messrs. Osborne and Hargraves, after hearing the evidence in support of the charge, thought the case ought to be dismissed. Mr. Harrison differed, and signed an order for committal. Mr. Scott concurred, but did not sign the deposition or committal. Messrs. Osborne and Hargraves complained to the Attorney General of the "marked feeling displayed by Mr. Harrison" against Mr. Nunn, and represented that Mr. Harrison had snatched the depositions out of Mr. Hargraves' hand, so as to tear them, whilst Mr. Harrison complained that Mr. Hargraves "repeatedly put leading questions to the witnesses, and words into their mouths"; and also, in a burst of passion, snatched the depositions out of Mr. Harrison's hands, and evidently intended to impute malice, &c.

Mr. Scott complained that Mr. Harrison and himself, on taking their seats on the Bench, were assailed by Mr. Hargraves in a style of virulent abuse, usual with him; that he gave Mr. Harrison the lie direct, and used language unbecoming a Magistrate or gentleman.

The Queen
v.
Scott.

At the time this matter was before the Magistrates, an information was also under their investigation, charging Mr. Scott, J.P., with arson. This charge seems to have been withdrawn by the prosecutor, or dismissed by Mr. Harrison, although on the same day the same case appears to have been adjourned by Mr. Harrison until the 27th; on the latter day Messrs. Hargraves, Hely, Nunn, and Harrison, made the following memoranda:—

"Having considered the evidence, and defendant having been cautioned in the usual manner, the Bench divided in opinion, Messrs. Hely and Harrison being of opinion that no case had been made out, and that under the circumstances the Bench could have no jurisdiction. They considered that complainant's remedy (if any) must be sought by civil action.

"HOVENDEN HELY, J.P.
"JAMES HARRISON, J.P."

"Messrs. Hely and Harrison withdrew from the case previously to committal, and afterwards returned to Court, and made the above remarks during our absence.

"E. H. HARGRAVES, J.P.
"W. J. NUNN, J.P."

Messrs.

Messrs. Hely and Harrison remark on this —

The latter statement is false ; we expressed our opinion previously to withdrawing from the case ; and on our return to sign the depositions, as our names appeared on the proceedings, we deemed it our duty to state our reasons for acting as we did in withdrawing.

Messrs. Hargraves and Nunn, in forwarding the depositions to the Attorney General, drew his attention to what they consider a great irregularity, as follows :—

During the hearing of this case Mr. Hely entered and took his seat, and we suggested to him the propriety of having the depositions read over to him, but he imported himself into the case without adopting our suggestion.

Mr. Hely, in reference to this statement, denies its correctness, and alleges that it is a wilful and deliberate perversion of the truth.

An information having been laid by Mr. Scott, J.P., against Mr. Tomlinson, for perjury—the principal witness in the charge of arson against Scott—the charge came on before the same Magistrates, Messrs. Hely, Harrison, Hargraves, and Nunn. Mr. Harrison intimated his intention to commit the prisoner. Messrs. Nunn and Hargraves differed from him, believing that no case had been made out, and withdrew from the inquiry. Mr. Hely, not considering that a strong *prima facie* case had been established, but that there were some grounds for the charge, expressed an opinion that the depositions should be sent to the Attorney General, and the defendant bound on his own recognizance to appear when called upon.

The prisoner was then committed for trial by Mr. Harrison alone.

The Attorney General has declined in all the cases to prosecute.

The Queen
v.
Tomlinson.

HOVENDEN HELY, Esq., J.P., to COLONIAL SECRETARY.

Wyoming, Brisbane Water,
5 August, 1862.

SIR,

I have the honor to acknowledge the receipt of your letter of the 31st ultimo, enclosing a statement, furnished by the Attorney General, of proceedings, in which the conduct of the Bench here appears to the Government to be of such a nature as to render it incumbent on them to call on certain of the Magistrates to shew cause why they should not be removed from the Commission of the Peace.

I shall endeavour briefly to reply to each article of the charges—

1st. On or about the 13th February last, it was brought under the notice of Messrs. Harrison, Scott, and myself, in our places on the Bench, that a certain search warrant, taken out by Mr. Nunn, a Magistrate of this district, had neither been returned to the Police Office or to the custody of the Clerk of Petty Sessions, nor had the Chief Constable ever heard of it, although it was known that action had been taken therein.

We at once called upon the constable (Dunn) who was reported to have accompanied Mr. Nunn to put the said warrant in force, when he (Dunn) stated on oath, that he had been called on by Mr. Nunn to accompany him to the house of the party named in the warrant (George Buckton) ; that, on reaching the said person's residence, Mr. Nunn produced the warrant from his pocket ; and that on searching the premises, and also the wife and daughter of the said Buckton (the latter being the suspected thief), certain money in bank notes and silver had been found on their persons, amongst the former of which was one which Mr. Nunn immediately identified as one of those which had been stolen from him ; that he (Dunn) then took the two women into custody, but that they asked permission to speak to Mr. Nunn apart, and that after this private conversation he (Mr. Nunn) ordered the officer to release his prisoners, not forgetting, however, to roll up the notes and silver and put them in his pocket. He (Mr. Nunn) and the constable then left together.

We considered it our duty to send this deposition to the Attorney General, in order that he might act in the matter as he deemed it advisable. He returned it to us, informing us that our course was to take proceedings against Mr. Nunn, and also against the women.

Being absent in Sydney, I was unable to sit in either of these cases, which were brought on, I believe, out of the regular Court day, in order to prevent, if possible, any collusion ; but I am bound to say that if I had I should have acted as did Mr. Harrison and Mr. Scott ; for on reading the depositions in the first case—that of the women for the theft—I find that Mr. Nunn swears that he only said he could identify the note with a view of frightening or inducing the women into a confession. No money was produced in Court to be sworn to, therefore Messrs. Hargraves and Osborne dismissed the case, because they said there was no proof of any felony having been committed, although Mr. Nunn also admitted that the husband and father (Buckton) had promised to make up to him the difference between the amount stolen (£5) and that recovered (£2 18s. 6d.) The same Magistrates also wanted to dismiss the second case (that of Mr. Nunn) because there was no committal in the first, and as they said there could be no composition where no felony had taken place ; as to the non-production of the money, it is not to be wondered at, inasmuch as Mr. Nunn had appropriated it some days before, and I therefore hold that if the women had not stolen that money from him, he was guilty of stealing from them ; and I only differ from Mr. Harrison's decision on the occasion inasmuch as I would have insisted on a committal in each case, as I have yet to learn that any Magistrate can arrogate to himself the power of setting warrants aside and defeating the ends of justice.

As

As to the complaint made by Mr. E. H. Hargraves of Mr. Harrison's conduct on the Bench on that occasion, not having been present, I can say nothing; but from my long knowledge of the latter gentleman, and I may say also of Mr. Hargraves, I am quite prepared to say I do not believe it. I have sat on the Gosford Bench for many years, and have never witnessed improper or ungentlemanly behaviour in any of the Magistrates, except Mr. Hargraves and Mr. Nunn, but I am sorry to say I have frequently seen those two persons behave in a manner quite unbecoming the dignity of Magistrates or gentlemen.

Queen v. Scott.

With regard to charge No. 2, a case of arson was trumped up against Mr. Lyall Scott, J.P., which occupied a whole day in trial. Mr. Harrison and myself decided to dismiss it as we could not find a tittle of evidence to sustain such a charge. Mr. Hargraves and Mr. Nunn, determined, however, on committing Mr. Scott for trial. We (the two former) retired from Court for some minutes, and on our return, as we had expressed our opinion at the close of the case, we deemed it our duty, in justice to the accused, to record that opinion on the face of the depositions, which we accordingly did: hence the statement by Messrs. Hargraves and Nunn, which called forth the well-merited, though rather plain, reply from us.

As to the statement by those two Magistrates in their letter to the Attorney General, that I had imported myself into the case after it had commenced, and that I refused to hear the depositions read over, that is simply a base and wilful falsehood, denial of which appears on the face of the depositions themselves, inasmuch as my name as senior Magistrate appears first under the attestation of every witness in the case.

The fact was, that the case commenced about 11 A.M., and that at 11.15 I entered the Court and took my seat, whilst Tomlinson, the first witness, was under his examination in chief; and from the fact of his remaining upwards of two hours in the witness box, I must have heard the whole of his depositions read over before signing them.

At the same time I must add that Messrs. Hargraves and Nunn entirely forgot to tell the Attorney General that on committing Mr. Scott, and bail being applied for, they demanded it for £1,000, himself in £500, and two sureties in £250 each, and that on Mr. Scott's producing two highly respectable and responsible men, long resident in this district, and well known as large freeholders, and possessed of ample means (I allude to Messrs. Edward and William Walmsley), that the Magistrates told him they should take twenty-four hours to consider the bail, and that in the meantime he (Mr. S.) was to be locked up; and they were only induced to forego this gratification of their petty spite and malice, on the proposed sureties offering to place within half an hour the sum of £500 in the hands of the Clerk of Petty Sessions.

Queen
v.
Tomlinson.

As to the last charge I do not think it calls for any comment, other than were the same case to be tried again, and the same testimony given, I should take the same course.

With regard to the general conduct of the Bench of Magistrates in this district, it is now some months since I and others spoke to our representative, Mr. Eckford, on the subject, urging him to represent to the Government the necessity of ordering an investigation therein, to take the evidence, not of the Magistrates against or for each other, but that of the most respectable and intelligent of the inhabitants, who would be likely to give unbiassed and dispassionate testimony as to the state of affairs down here.

I, speaking for myself, can say that during the fourteen years I have held the Commission of the Peace, I can fearlessly look back upon my every judicial act with the conscientious conviction, that though my judgment may have sometimes erred, my decisions have ever been given honestly and fearlessly, nor have I ever used my little brief authority in the endeavour to injure any person. I think I can say as much for Mr. Harrison, and also for Mr. Scott, who, although but a very short time on the Bench, has won the good opinion of all as an upright and conscientious Magistrate.

Of Mr. Hargraves and Mr. Nunn I cannot say the same, and although I have never allowed my private feelings to interfere with the duty I owe to the public, I have often despised myself for sitting beside them.

My every act as a Magistrate during the whole period I have had the honor of being in the commission, is open to investigation, which I court in its fullest sense. Should such investigation prove me unworthy of the position, the Government will no doubt act properly in removing me from it, but for the sake of the district with which I have been so long and intimately connected, and in the name of justice itself, I would respectfully urge upon the Government the necessity that exists for making some inquiry into the general conduct and proceedings of the whole of the Magistrates of the Gosford Bench, that they may satisfy themselves as to the amount of public respect for and confidence in each member thereof, and, if necessary, take such steps as will insure the fountain of justice remaining pure and unpolluted.

I have, &c.,

HOVENDEN HELY, J.P.

JAMES HARRISON, Esq., J.P., to THE UNDER SECRETARY.

Gosford, 6 August, 1862.

SIR,

With reference to your letter of the 31st ultimo, concerning what appears to be very extraordinary conduct on the part of certain Justices of the Peace for the District of Brisbane Water, I have the honor to reply, for the information of His Excellency the Governor and the Executive Council, as follows:—

2. I have read over the accompanying document. In reply to the second paragraph of your letter, I must disclaim being possessed of any personal animosity against any one—which assertion will be confirmed by all those who have a knowledge of my character—which, after twenty-one years residence here, must be pretty well known.

I also state that the charges made by the Magistrates against each other are groundless on one side only, which, I submit, can be satisfactorily proved by affidavits, if called for. At the same time I cannot help observing, that any explanation I or any other Magistrate can give, may be met by a direct contradiction from others, thereby rendering it a difficult matter for the Government to decide between us.

3. Messrs. Hely, Scott, and myself, are now placed in a position which renders it imperative on us respectfully to press on the Government the necessity of investigating this matter to its foundation, as unless this course is adopted we cannot consistently, or with honour to ourselves, while these charges hang over us, continue to exercise our functions as Magistrates on this Bench.

4. During my association with Mr. Hely as a Magistrate, I have ever found him earnest in the conscientious discharge of his duty, and I can certainly say the same for Mr. Scott during the short time he has held a Commission of the Peace.

5. It is certainly annoying to me who, after fourteen years attendance at this Bench—ten of those years having been spent in the performance of almost the duties of a Police Magistrate, with much pecuniary loss to myself, besides during that time having performed the duties of Coroner and Commissioner of Crown Lands for this District, and, I believe, to the satisfaction of the Government and public—that I should now be recklessly assailed by parties who evidently seem to be careless of their own characters.

6. I am happy to be in a position to state, that the inhabitants of the district have considered it their duty to step in at this crisis in Bench matters, in order to speak their sentiments on a matter involving, as it does to a certain extent, a question affecting the interests of the community at large. A meeting has been convened for that purpose, and which will be held in a day or two.

7. I can only trust that the Government may soon be in a position to form a correct opinion on this matter. I beg to refer you to the accompanying letters appended to this.

8. I have much pleasure in submitting a full explanation on all matters alluded to in the before-mentioned document, and which will accompany this letter.

I have, &c.,

JAMES HARRISON, J.P.

Sydney, Liverpool-street, 120,

11 July, 1862.

My dear Sir,

I hope that the enclosed will cover the amount of my account. I was not a little surprised when told yesterday, that Hargraves was doing all in his power in order to lower you in the estimation of Mr. Cowper. I sincerely hope that you have not left it in his power to do so, for he is a very vindictive man. Your high standing amongst the people of Brisbane Water, and the just and honourable manner in which you have always discharged your Magisterial duties, have, I hope, placed you far beyond the effects of his natural vindictive feelings in that respect; if you have not heard of this, I advise you to lose no time, but inquire into the matter at once, for you know not what amount of injury he may do you in that quarter.

I have, &c.,

CORNELIUS D. COGLAN,

R.C.C.

J. Harrison, Esq., J.P.

Kincumber, Brisbane Water,

5 August, 1862.

Sir,

Having heard, with the utmost astonishment, that you and your brother Magistrates have been called on to shew cause why you should not be superseded in your Magistracy, I beg to suggest, that the interest of justice and of the inhabitants of this district most imperatively calls for a public meeting, that the unanimous voice of the district might be heard. I must beg therefore you will kindly convene the same, and permit us the use of the Court House—not merely to express our unqualified approbation of yourself and Messrs. Hely and Scott, but more especially to save ourselves and the inhabitants of this district from the last link of tyranny's chain.

I have, &c.,

H. N. WOOLFREY,

R.C.C.

J. Harrison, Esq., J.P.

Memo. (endorsed on above note.)

I DECLINED taking any part in convening a meeting, but granted the request to have the use of the Court House.—JAMES HARRISON, J.P.

The

*The Parsonage, Gosford,
9 August, 1862.*

My dear Mr. Harrison,

I have just received your note of yesterday's date, acquainting me that the inhabitants of the district are about to meet, in order to express their opinion with reference to the conduct of the Bench of Magistrates here; and also, expressing your opinion that it would have been exceedingly gratifying to many others as well as to yourself, had I taken part with the public on this occasion.

I shall be sorry indeed, if the course I have taken, should meet the disapproval of yourself or any others whose opinions I respect; but I must nevertheless repeat my strong conviction, which I have already expressed to you, that the sacredness of our office requires us to stand entirely aloof from all political matters, and to confine our whole attention to the spiritual welfare of the souls committed to our care.

In reply to the latter part of your note, it gives me great pleasure in looking back upon the length of time during which we have been associated in Church matters (for you have now held the office of Churchwarden for nearly ten years), to record the satisfaction which such a review affords me. As a consistent member and communicant of the Church, as well as in your private walk—as the head of a large family—I have always considered you not only a worthy member of my flock, but also as sustaining the character of a Christian gentleman; and as my opinion of your character still remains unshaken, it is superfluous for me to add that you have my entire sympathy in the matter which has given rise to this expression of it.

James Harrison, Esq., J.P.,
Mona Vale.

With &c.,
ALFRED GLENNIE.

THE explanation of James Harrison, Esq., J.P., at Gosford, touching certain matters relative to that Bench, and which has been called for by the Government.

The Queen
v.
W. J. Nunn.

On the 7th of February, I granted a search warrant against one Sarah Buckton, on an information sworn to Mr. William John Nunn, charging the said Sarah Buckton with stealing from a desk in his house the sum of five £1 notes.

Mr. Nunn took possession of the warrant, as I supposed, to place it in the hands of the sergeant of police. On the 13th of February inquiry was made respecting the warrant, when information was given to the Bench that Mr. Nunn had acted in the matter himself, he being accompanied by Constable Dunn; that the money had been found on the person of the girl's mother—had been taken possession of by Dunn, as also the prisoners; and that Mr. Nunn had afterwards taken the money from the constable and released the prisoners. Dunn was then called upon to state the circumstances of the case, which he did upon oath, and which document was then forwarded to the Attorney General.

On receiving a reply from the Attorney General, we deemed it necessary to make further inquiry into the matter. On the 6th March Mr. Scott and I attended at the Police Office; Messrs. Osborne and Nunn were also in attendance. Before leaving on that day Mr. Scott concurred with me in the necessity of having the case brought on on the following Monday, as it was necessary to apprehend the Buckton's—mother and daughter—(in the matter of the Queen against them, one for stealing and the other for receiving the notes) to prevent collusion, and in order that they should not be confined any length of time before the inquiry.

Suppressing the
warrant.

With regard to suppressing the warrant, the fact of Mr. Nunn's never rendering any explanation to me personally, by letter, or through Constable Dunn, with reference to the disposal of the search warrant, certainly conveyed to the minds of the Bench that I had been made a convenience of in the matter, and that the warrant was obtained more to enable Mr. Nunn to possess himself of the money than with a view to satisfy the ends of justice.

Committal of
Mr. Nunn.

I have already expressed my opinion to the Attorney General why I committed Mr. Nunn. I may again state that the Buckton's were searched by Constable Dunn; notes were found on the elder Buckton, one of which was identified by Mr. Nunn; the money was taken possession of by the constable, and he considered the women his prisoners, as he told them they must go to the lock-up with him. After this, it appears the girl privately confessed to Mr. Nunn having taken the money. If Mr. Nunn denies the identification of the note (which is shewn in the case the Queen v. Buckton—proceedings of the 10th March), he must then have been guilty of a much worse offence in forcibly taking possession of that which he could not possibly have known belonged to him. I must call your attention to what I considered the "compounding a felony":—A portion of the money was found upon the elder Buckton, identified by Mr. Nunn as being his property, taken possession of by the constable, and afterwards the prisoners were released by Mr. Nunn, and the money was taken possession of by him. Besides all that, a promissory note was given by Buckton, the father of the girl, to Mr. Nunn, for an amount somewhere about the balance required to make up the deficiency of the money lost. Mr. Nunn, in cross-examining Buckton, said, "Did I not tell you I should never ask you for the amount of the note?" Then why was the note given? That has not been satisfactorily explained.

Compounding a
felony.

Promissory note.

Taking

Taking this view of the matter, I should have been acting against my conscientious convictions had I done otherwise.

Had Mr. Nunn managed the matter without going so very far, the Bench would, in all probability, have taken no action in the matter.

Having explained why a special day was fixed for the hearing of this case, I now come to the malicious charge of "no sufficient notice" being sent to the other Magistrates. When on the 6th of March it was decided to bring the case on on the following Monday, that afternoon Constable Dunn brought the search warrant and summons for Mr. Nunn to me to be signed. I then told Dunn to give my compliments to Mr. Battley, with a request that he would give Mr. Osborne notice that the case would be heard on the Monday following. I also told Dunn that I wished Mr. Nunn should be made aware of the same. On the following morning Sergeant Worley came to my residence for instructions, when I told him to have the summons served at once, in order that Mr. Nunn might have every opportunity to make his arrangements. This charge which directly imputes malice, and which clearly implies that we wished to make a "hole and corner affair" of this case, can be rebutted by the evidence of the Sergeant and Constable Dunn; the latter can state that on the morning of the 7th March he directed Constable Overall, who was then on this way to Mr. Nunn's, to tell that gentleman, in accordance with my wishes, that the matter against him, for "compounding a felony," was ordered for hearing on the Monday following. I am informed that Mr. Nunn immediately addressed a note to each of the Magistrates, Messrs. Osborne and Hargraves, and which were conveyed to those gentlemen by Constable Overall. I cannot speak to the contents of the notes; but as the Magistrates named, took their seats on the Bench on the day named in the summons for the hearing of the case, it does not require a great stretch of imagination to guess at the contents of those notes. The summons was served soon after breakfast on the 7th; but Mr. Nunn lays some stress on the fact that he was out at the time, and consequently did not see it before the evening. It will be for the Executive Council to consider whether Mr. Nunn cared about seeing the summons, having been previously informed that such a document was in existence, and about to be served on him.

With this statement of facts, it will also be for the Council to consider whether a most wilful and scandalous attempt has or has not been made, by the Magistrates in question, to injure my reputation as a man and a Magistrate? With reference to the "marked feeling displayed by Mr. Harrison," I cannot account for this, unless it is in having opposed Mr. Hargraves' reckless determination to ignore Mr. Scott's and my position, as Magistrates. Mr. Hargraves also made use of threats and language highly unbecoming his position as a Magistrate, and examined the witnesses in a very unfair and partial manner. At the opening of the case he wished to know how we dared, and by what authority we made a special day for the hearing of the case?—Told me that he would give me plenty of law; that it should cost me £2,000; and that he would have me in Darlinghurst Gaol for two years if I attempted to leave the country.

This decided animosity on the part of Mr. Hargraves against myself and other Magistrates, arose out of a case ("The Queen v. Hargraves,") for shooting and killing a mare, which was heard at Gosford on the 14th February, 1861.

I have already explained in a letter to the Attorney-General with reference to the charge of "snatching the depositions" out of Mr. Hargraves' hand.

Mr. Hargraves was sitting close to me on my right; I put forth my right hand, and with my finger and thumb laid hold of the corner of the documents, then lying on the Bench before him, for the purpose of passing them over to the clerk, when Mr. Hargraves, in a burst of passion, as I have before stated, exclaimed, "How dare I do so?" and snatched them from me.

On the 20th February Mr. Scott was charged under the "Malicious Injuries Act" with destroying a bridge on property he then had possession of, Mr. Osborne and I being the Magistrates on the Bench. After taking evidence, and Mr. Scott claiming an ownership in the property, and I believing that he had acted under a fair and reasonable supposition that he had a right to do the act complained of, was for dismissing the case. Mr. Osborne dissented, consequently the case had to be remanded to the 6th March, as Mr. Osborne wished for a full Bench. It was further adjourned from the 6th to the 13th March, on which day there was a full Bench. Although Mr. Hargraves did not take his seat on the Bench on that day, he made an *ex parte* statement some days previously, within hearing of the Bench, that there was no case under the above Act. Afterwards Mr. Osborne consented to a dismissal. Tomlinson wished to withdraw the charge—case dismissed.

Strange to say, Tomlinson, on the 11th March, insisted upon laying an information against Mr. Scott for arson.

After taking evidence, Mr. Hely and I decided that no case was made out, and that the complainant's remedy, if any, must be sought by civil action. The most remarkable feature in the matter is, that Mr. Hargraves, who, on a day previous to the 13th March, stated that there was no case against Mr. Scott under the "Malicious Injuries Act," did, on the 27th March, insist with such pertinacity that a most atrocious charge of arson had been made out against that gentleman; and after expatiating on the enormity of the offence, committed him to take his trial, at the same time requiring Mr. Scott to find sureties, himself in £500, with two others in £250 each, stating that he would require twenty-four hours to consider the matter of bail. I consider Mr. Hargraves displayed a very bitter feeling towards Mr. Scott at this stage of the proceedings, particularly in demanding such an amount of bail, and afterwards demurring when undeniable bail was offered.

Mr. Scott is a partner in a large establishment here, and was not likely to run away.

The Queen
v.
Tomlinson.

I committed Mr. Tomlinson, believing that he did, on the 20th February last, while being examined touching a charge of burning a bridge, brought by him against Mr. Scott, under the "Malicious Injuries Act," make certain false statements, knowing the same to be false, and which statements were material to the question depending, and made for the purpose of influencing the Bench in their decision on the matter then before the Court, which statements I considered were proved to be false at Tomlinson's trial. I have neglected to refer to the statement of Mr. Hely and myself in this matter, and which I now state is perfectly true; that of Messrs. Hargraves and Nunn is quite the contrary, such statement evidently being made with an intention to mislead.

Queen v. Scott.

With regard to the allegation that Mr. Hely imported himself into the case without adopting the suggestion of Messrs. Hargraves and Nunn, of having the depositions read over to him, Mr. Hely may well say this statement is a wilful and deliberate perversion of the truth, inasmuch as it was evidently made with an intention to mislead. The fact is, there were no depositions to read; the prosecutor had only been a short time in the witness-box—so that Mr. Hely heard the greater part of his statement *vivá voce*, and afterwards heard the deposition read over by the clerk.

Lie direct.

Mr. Hargraves accused me with having an ill-feeling towards Mr. Nunn. I replied, "I do not bear any ill-feeling towards Mr. Nunn, or anyone else," when he said, "I would not believe you on your oath."

JAMES HARRISON, J.P.

Gosford, 9 August, 1862.

JOHN A. OSBORNE, Esq., J.P., to COLONIAL SECRETARY.

Gosford, 6 August, 1862.

SIR,

I have the honor to acknowledge the receipt of your letter of the 31st instant, relative to the conduct of certain Justices of the Peace acting for the District of Brisbane Water, and beg to make the following remarks:—

1. Having carefully perused the charges here laid against the Magistrates, I can see nothing calling for an explanation on my part, except in the case of the Queen v. W. J. Nunn.

2. I was one of the sitting Justices, and, considering no case had been made out against Mr. Nunn (which has been borne out by no prosecution), felt it my duty to comment on Mr. Harrison's conduct to the Attorney General. What I then said was strictly true. I still adhere to it, and trust the fullest inquiry may be had into my conduct as a Magistrate, at any time, on the Gosford Bench.

3. The other charges laid against the Justices, in the cases of Scott and Tomlinson, I was not present, consequently took no part in them.

I have, &c.,

JOHN A. OSBORNE.

LYALL SCOTT, Esq., J.P., to COLONIAL SECRETARY.

Oribah, Gosford,
8 August, 1862.

SIR,

I have the honor to acknowledge the receipt of your letter of 31st ultimo, enclosing a detailed statement of certain proceedings of Magistrates acting for the District of Brisbane Water, and calling upon me as one of those Magistrates to shew cause why I should not be removed from the Commission of the Peace, in consequence of the personal animosity and groundless charges made by the Magistrates against each other, as shewn in the statement referred to.

I would beg to disclaim having been at any time actuated by a feeling of personal animosity in the discharge of my Magisterial duties, and will now attempt to shew, that as far as I am concerned, I have made no groundless charge against any Magistrate.

The Queen
v.
W. J. Nunn.

With regard to the charge against Mr. Nunn, J.P., the evidence of Constable Dunn shewed very strongly that Mr. Nunn had acted in a manner calculated to defeat the ends of justice, by obtaining a search warrant from a Magistrate and putting it in force himself, without at all communicating with the Chief Constable; and when he had by threats extorted a confession from the girl Buckton, compromising the matter, and authorizing Dunn to release her and her mother, whom he had taken into custody. He then took possession of £2 18s. 3d., found upon the person of Mrs. Buckton, and obtained from Buckton (father of the girl) a promise that he would pay him (Nunn) the balance of the £5 stolen from him. One of the notes found upon Mrs. Buckton Mr. Nunn at once said to Dunn he could identify, but when he was examined in evidence against the prisoners he said that he could not identify the note, and only said that he could in order to frighten the girl into a confession. None of the property being identified there was no evidence against the prisoners, except the confession of the girl (made privately to Nunn, and not heard by the constable), which, as she had not been cautioned, of course amounted to nothing. If Mr. Nunn could not identify any of the property, what right had he to take possession of, and appropriate to his own use, the £2 18s. 3d. found upon Mrs. Buckton? It seems to me very clear that either the Bucktons' robbed Mr. Nunn, or he robbed

robbed them. If they robbed him, then, by taking possession of the money found upon Mrs. Buckton, and making away with the note which he said he could identify, I maintain that he was guilty of compounding a felony, and defeating the ends of justice; and instead of my brother Magistrates and myself having, in this instance, made a "groundless charge," I conceive that we would have been guilty of very great neglect of our duties had we overlooked the matter.

With reference to the case being fixed for a day other than the usual weekly Court day, this was done by Mr. Harrison and myself, after receiving the recommendation of the Attorney General to use our own judicial powers. As we considered that no delay ought to arise in going into the case against the Bucktons', and the case against Mr. Nunn was so mixed up with this charge that we deemed it advisable to hear both on the same day. It has been the practice to open the Court on any day that was deemed necessary by the Magistrates, more especially in cases of felony. When the case was being initiated, and Messrs. Osborne and Hargraves expressed their disapproval of hearing the case, except on a regular Court day, I stated my willingness to remand the case if Mr. Nunn was unprepared; but he (Nunn) insisted very strongly on the case being proceeded with. As regards no notice being sent to the other Magistrates, Mr. Harrison instructed Constable Dunn to inform Mr. Osborne (who was then in the township) of the day fixed for the hearing of the case; and I have yet to learn that any Magistrate who may initiate a case, is supposed to give notice to all the other Magistrates in the district, the more especially when their visits to the Court (as with Mr. Hargraves) are so few and far between as to create surprise when they take their places on the Bench. I was unable to attend the adjourned hearing of the case, and in consequence my name does not appear on some of the depositions, nor on the committal; but I still adhere to the statement made in my letter to the Attorney General (called forth by that of Messrs. Hargraves and Osborne), that Mr. Hargraves assailed Mr. Harrison and myself, when taking our seats on the Bench, with gross abuse, and that I remonstrated with him on his conduct as being very derogatory to his position as a Magistrate. So far from this being "a groundless charge," I am prepared to prove it by the evidence of parties present—one of whom (who was wholly disinterested) took notes of the proceedings.

Referring to the charge of arson against myself, there seems to be some confusion in the detailed statement enclosed by you, and I would beg to state the true position of the case: This charge was, in the first instance, laid under the "Malicious Injuries Act," and came on for hearing on the 20th February, when Messrs. Harrison and Osborne were on the Bench, and after my objecting that the Court had no jurisdiction they divided in opinion, and the case was adjourned till the 6th March, for the attendance of a third Magistrate. On that day the two gentlemen who had remanded the case were present, and also Mr. Nunn; but the latter gentleman refused to act, giving, as his reason, that neither Mr. Hargraves nor any other Magistrate was present. I remonstrated upon this refusal, pointing out the great inconvenience to which I was put by being dragged there, along with six witnesses, from day to day, on a charge in which the Court had no jurisdiction; but Mr. Nunn still refused to sit on the case, although, when the case came on for hearing again, and was withdrawn by the prosecutor (when found untenable), he took his seat on the Bench when only the same Magistrates were present; and I have no hesitation in saying that his refusal to sit, in the first instance, was caused solely by his wish to put myself and witnesses to as much inconvenience as possible.

The Queen
v.
Lyal Scott.

Upon the withdrawal of this case, the absurd charge of arson was trumped up against me, and came on for hearing on the 13th March, but as I had only received the summons at 10 o'clock the night before, it was adjourned till the 27th March, at my request. I would now beg to draw your attention to the malice displayed by Mr. Hargraves against me, which rests not only on my assertion, but which I am prepared to prove by the evidence of a number of parties present during the whole proceedings. After he and Mr. Nunn had committed me for trial, I applied for bail, which he at first refused, but after a long dissertation on the enormity of the crime that I had committed, he said he would consent to take bail, myself in £500, and two sureties in £250 each, but that as he was a stranger in the district (where he has resided for the last twenty-two years) he would take twenty-four hours to consider the bail offered, and would keep me in the lock-up for that time. I offered the names of five or six large landholders in the district, then present, but it was only when one of them stepped forward, and offered to deposit the whole amount of bail in the hands of the Clerk of Petty Sessions within half-an-hour, that he was induced to forego his malicious intentions, and to take the recognizances that evening. Mr. Nunn was also on the Bench during this time. So strong was the feeling of disgust expressed by the spectators at the arbitrary and vindictive conduct of Mr. Hargraves, that it was with difficulty that order could be maintained in the Court. Mr. Hargraves so well knew the absurdity of the charge against me, that, on leaving the Court, after Tomlinson had been committed for trial on a charge of perjury, he said that he was quite sure that both cases had then gone as far as they would go, and still he insisted upon £1,000 bail, and tried hard to vent his spleen by locking me up for twenty-four hours.

With regard to the case of perjury against Tomlinson, I will only say that, whilst I was giving my evidence, Mr. Hargraves tried very hard to induce Mr. Battley, Clerk of Petty Sessions, to put down in the depositions statements different to what I had made. Mr. Battley said that he knew his duty was to put down only what was said; but it was only when I distinctly refused to sign the depositions, unless my evidence was put down as I gave it, and the other Magistrates insisted on this being done, that Mr. Hargraves gave over attempting to put words into my mouth.

The Queen
v.
Tomlinson.

The Queen
v.
Lyll Scott.

I would also beg to state, with regard to the case of arson, that the statement made by Messrs. Hargraves and Nunn, that Mr. Hely imported himself improperly into the case, is correctly designated by Mr. Hely as a "wilful and deliberate perversion of the truth," as when Mr. Hely took his seat on the Bench the first witness (Tomlinson) was under examination, and, of course, at the conclusion of his evidence, Mr. Hely heard his deposition read over; and the fact that Mr. Hely's name is the first appended to this deposition proves incontestably that Messrs. Hargraves and Nunn have made a mis-statement.

In conclusion, I would beg to say that my appointment to the Commission of the Peace took place at the request of a very large number of the inhabitants of the district, and on taking my seat on the Bench there was a considerable amount of ill-feeling amongst the Magistrates, from which I can conscientiously say I studiously kept aloof, but having in the discharge of my duties given a decision adverse to Mr. Hargraves, in an unfounded charge brought by him against Chief Constable Worley, from that day he has taken every opportunity to insult and annoy me. By the opinion of the inhabitants of the district I am content to be judged, and if I am considered to have, in a single instance, failed in the zealous and upright discharge of my duties, or taken advantage of my position on the Bench to wreak my private animosity, I shall be only too glad to be relieved of a responsibility which I should, in such a case, be unworthy to discharge.

Each and every statement which I have made in this letter I am fully prepared to prove, and should be very glad to have an opportunity of doing so, and I would respectfully suggest that the real merits of the conduct of the Brisbane Water Magistrates would be most satisfactorily arrived at, by the Government taking the evidence of the most respectable inhabitants of the district on the subject—a course which I have for some time been most anxious to see adopted, and which Messrs. Hely, Harrison, and myself, some months since, urged upon the attention of our representative, Mr. Eckford.

I have, &c.,

LYALL SCOTT.

WILLIAM J. NUNN, Esq., J.P., to COLONIAL SECRETARY.

Erina, Brisbane Water,
12 August, 1862.

SIR,

I have the honor to acknowledge the receipt of your communication, calling upon me to shew cause why I should not be removed from the Commission of the Peace. I am not aware of having committed any act which, upon the impartial investigation which I am sure you will accord the circumstances of the case, would merit, in so marked a manner, your disapprobation. I freely admit the personal animosity, and that ill-feeling exists to a great degree, between the Magistrates on this Bench; and being myself so great a sufferer in consequence, I regard, with the utmost satisfaction, an investigation into the matter; and should this lead to the removal of the entire Bench, and the appointment of a stipendiary Magistrate, altogether unconnected with this district, the greatest possible boon would thus be conferred upon us; however, this is matter for your wise consideration, and I beg you will excuse my digression. With reference to the detailed statement you do me the honor to enclose, you are aware that some four or five months ago I was tried and committed by Mr. Harrison for suppressing a search warrant and compromising a felony. As the whole of the proceedings are with the Attorney General, and which, no doubt, have been laid before you, I do not deem it necessary to go into a detailed statement of the case, further than to draw your attention to a few important facts in connection with the case—that the policeman, who was made prosecute me, swore that he was convinced that in forgiving the girl I was alone actuated by Christian and benevolent motives—that I never interfered with him in the slightest degree—that I never gave him any orders with regard to the girl or any other person, either to take them into custody or not to do so, and that he was perfectly free to do as he liked—that some portion of the money that was found he gave to me, on the girl's saying it was mine, and on his thinking the case was at an end, without my asking him to do so—that, instead of suppressing the warrant, I handed it to him as soon as we started for the girl's father's hut, and that I never had it afterwards in my possession—that I never gave him any orders about it, and that immediately on his return to the Police Court he deposited it in the usual place in the Court, where all such papers are always kept—that I never acted as a Magistrate on the occasion, and that I never gave him any orders relative to any person who he was free to apprehend and do as he thought fit with—that from the hut I rode direct to the residence of the Clerk of the Bench, who I reported the matter to, and how I had acted in it—that I also communicated the same to the Rev. A. Glennie, who, with others who appeared at the trial, swore that they highly approved of the course I adopted, and that had I acted otherwise, I should have ruined the girl for life. When the youth of the girl is taken into consideration—that she had lived in my service for a period of nearly four years—that she had but just concluded assisting attending Mrs. Nunn, day and night, through a dangerous illness—that there was no evidence whatever against her but her own confession to me, added to which her extreme penitence, the cries and lamentations of herself, mother, and sisters, entreating my clemency, can it be wondered at that I said, so far as I am concerned I freely forgive you?—that I rode away, and after reporting the circumstance to the gentleman I have mentioned, thought the matter entirely at an end—and that it was with the utmost surprise I heard that in my absence Messrs. Hely, Harrison, and Scott, J.P's., took a
statement

statement from the police constable, which they forwarded to the Attorney General. I acknowledge to having acted injudiciously, and I should not act in a similar way in future; but I have yet to learn that I did any wrong, or anything else than I had a right to do, much less that I compounded a felony. What sordid motive could I have? A considerable portion of the money I was aware I had irretrievably lost—I never wished for it, or expected it again; and on the girl's saying, "Oh! Sir, I will come back and work for you until I pay you the money," I, of course, said, "No, you must leave my service to-morrow." Even Mr. Harrison, the only Magistrate found to commit me on such evidence, in writing to the Attorney General, said he sympathized with me so far as the girl was concerned. The motive of the entire proceeding against me is quite apparent to every person, and I should be extremely glad should you deem it necessary to institute a further investigation into the matter, feeling convinced such would redound to my honour and credit.

With reference to the investigation charging Mr. Scott, J.P., with arson, I beg to observe the charge was never withdrawn by the prosecutor, except, to take it under another Act. Mr. Hargraves and myself considered the charge proved, and therefore forwarded the depositions to the Attorney General, who, as in the other cases, declined prosecuting; that gentleman having all the advantages of professional learning, embracing years of deep study in order to acquire that knowledge, can see at once whether a legal case exists or not, which could not be expected of me; and, in proof that I did what I considered right, in forwarding the depositions, I can conscientiously state, that was a similar case to come before me, I should not know how to act differently—the facts of Mr. Scott's case being:—That he took a number of men on to the land of a Mr. Tomlinson—that he ordered the men to destroy the bridge, which they did, by chopping and burning it away—and that they did not return from this act until between 9 and 10 o'clock at night, when they were regaled by Mr. Scott. The burning and destroying the bridge was sworn to by three witnesses; the property upon which the bridge was situated was then (as it is at present) in the undisputed possession of Mr. Tomlinson, who was then, as now, carrying on an extensive business upon it. I at once expressed my readiness to accept bail for Mr. Scott, and he was not kept waiting one moment longer than it took to draw out the usual bonds. Mr. Hargraves said he should require them in a large amount, in consequence of Mr. Scott's having no land or other interest in the district, being merely employed here by some other party in managing a saw mill, and that he had some time before gone through the Insolvent Court. My only motive for entering this far into this case is, that the committing Mr. Scott appears to be a charge against myself, whereas, though there may have been no legal case, a perusal of the whole investigation would lead you to infer that I had reasonable and probable cause for forwarding the proceedings to the Attorney General.

That Messrs. Hely and Harrison withdrew from the case previously to committal, and afterwards returned to Court, and made their remarks during the absence of Mr. Hargraves and myself, is a fact beyond all question of doubt.

The only other remarks made by me, according to the detailed statement you do me the honor to enclose, is, that during the hearing of the case laid by Mr. Scott against Mr. Tomlinson, for perjury, I have stated that Mr. Hely entered, took his seat on the Bench, and that we suggested to him the propriety of hearing the depositions read over to him, but he imported himself into the case without adopting our suggestion. In reference to this statement Mr. Hely denies its correctness, and alleges that it is a wilful and deliberate perversion of the truth. In reply I beg to inform you that I adhere most positively to my former statement, that I can prove it by several witnesses; and that a gentleman, who was staying at my house at the time, when riding home in the evening, and who was present in Court during the day, remarked to me on this very point, and alluded to the illegality of Mr. Hely's conduct, seeing the offensive and most ungentlemanly remarks of Mr. Hely with reference to myself and Mr. Hargraves. I pointed them out to him (Mr. Hargraves), in order that we should take immediate notice of it, but he advised not doing so, remarking, that it was the usual style adopted by that person, and that such remarks made by him would reflect more against himself, when read by the Attorney General, than anything we could say, and such, emanating from a person who had spoken of the Attorney General, as we have heard Mr. Hely (and which Mr. Hargraves said at the time he should report to the Government), and who has even presumed, from off the Bench at this place, to assail the judgments and opinions of one of the Judges of the Supreme Court, and on which occasion he was also rebuked by Mr. Hargraves, who strongly animadverted on his conduct, that it would be vain, in such humble individuals as ourselves, to expect to escape his animadversions. Having heard the case laid by Mr. Scott against Mr. Tomlinson, for perjury, I considered no case whatever had been established, and consequently withdrew from the inquiry. Should I have omitted anything you may deem necessary in reply to your communication, I beg to assure you it is through inadvertence, it being my wish to give every possible information; having nothing to hide or conceal, I have not adopted the course of Messrs. Hely, Scott, and Harrison, viz., to endeavour to bring popular clamour to their assistance by getting a number of persons to sign a memorial in their favour. I have been repeatedly asked, within the last few days, why I did not do as they have done, but such is not the course I intend to adopt. I will take a more independent course, and one, I think, more likely to meet your approval, trusting in my own integrity, and feeling convinced I have always adjudicated on all cases coming before me, to the best of my ability, without fear or affection, and fully relying upon your sound judgment and love of justice.

I am, &c.,
WILLIAM J. NUNN.

JAMES

JAMES HARRISON, Esq., J.P., to THE UNDER SECRETARY.

Gosford, 14 August, 1862.

SIR,

I have the honor to transmit, for the information of the Government, the accompanying note in reply to the circular appended, which I forwarded to Mr. Hargraves, requesting his attendance at a meeting holden at the Police Office, Gosford, on the 24th April last, in order to obtain his assistance in carrying out the objects of the Committee with reference to the Prince Consort's Statue Association.

May I request of you to attach this communication to the other documents forwarded to you by the last post.

I am surprised that Mr. Hargraves should have travelled so entirely out of his way on this occasion, to offer me a most inexcusable insult; one that many men would have replied to in a very summary manner, and which I have not in any way noticed, believing that I would some day be justified.

This disposition on my part to associate myself with all, when the object to be introduced has reference to public matters, will, I trust, go far to disabuse the minds of the Honorable the Executive Council, that I allow myself in any way to be influenced by private feelings (as has already been alleged). Allow me to draw your attention to the alphabetical return of Magistrates who have attended this Court from the 1st June, 1861, to the 1st June, 1862, inclusive, of which the following is a correct copy:—

Attendance of Magistrates.				No. of times.
Mr. Harrison	...	...	...	45
Mr. Hely	...	...	...	31
Mr. Hargraves	...	...	...	11
Mr. Nunn	...	...	...	21
Mr. Osborne	...	...	...	17
Mr. Scott	...	...	...	29

On the other side you will see the date of each attendance of Mr. Hargraves, and opposite the date the case which was heard on each day respectively, which bears out the assertion of either Mr. Scott or Mr. Hely, that Mr. Hargraves "never attends this Bench unless to suit his own particular purposes."

Date and the occasion of the attendance of Mr. Hargraves:—

July 18—To prosecute Constable Gorman.
 Aug. 1—In re Hargraves v. Taaffe.
 Sept. 5—In re Hargraves v. Couldrey.
 „ 6—In re Hargraves v. Gorman.
 Oct. 3—In re Hargraves v. Taaffe.
 Nov. 21—In re Wm. John Nunn v. Maukie.
 Dec. 5—In re Hargraves v. Taaffe.
 1862.
 Mar. 10—In re the Queen v. Nunn.
 „ 11— „ „ „
 „ 27— „ „ v. Scott.
 „ 28— „ „ v. Tomlinson.

In all eleven times.

In placing this document with the others, you will oblige

Your most obedient servant,
 JAMES HARRISON, J.P.

Prince Consort's Statue Association,
 Gosford, 9 April, 1862.

Sir,

I am desirous of consulting with you in reference to a communication from the Chairman of Trustees of the above Association, for the purpose of taking steps to assist them in the promotion of the contemplated object. May I therefore request your attendance at the Police Office, Gosford, on Thursday, 24th May, at 2 o'clock, P.M.

The accompanying statement fully explains the object and design of the Association. Awaiting the favour of your reply,

E. H. Hargraves, Esq., J.P.,
 Cabbagetree.

I am, &c.,
 JAMES HARRISON.

(Copy Memoranda indorsed on above Circular.)

It is not my intention to associate myself in any way with the person herein applying.—E.H.H.

MEMO.—Nearly £16 was sent from this district in furtherance of the object on the other side.—JAMES HARRISON, J.P.

Cabbagetree,

Cabbagetree, 26 April, 1862.

Sir,

With reference to the subject on which you have addressed me (papers returned), I can only say that I highly approve of the object, and much regret that it has not fallen into better hands; for my part I would just as soon associate myself with the Devil as with you; I should consider myself equally safe in his hands.

Mr. J. Harrison, J.P.

I am, &c.,

E. H. HARGRAVES.

E. H. HARGRAVES, Esq., J.P., to THE UNDER SECRETARY.

*Bungaree's Noragh, Gosford,
Brisbane Water, 17 August, 1862.*

SIR,

I have the honor to acknowledge the receipt of your letter, dated 31st ultimo (received on the 14th instant), calling on me, by direction of the Honorable the Chief Secretary, to shew cause why I should not be dismissed from the Commission of the Peace, in consequence of certain charges preferred against me by the Honorable the Attorney General, which acts, on the part of the Magistrates, tend to impair the confidence of the public in the administration of justice.

2. I have now the honor, in reply, to say, that I entirely concur in the opinion expressed by the Honorable the Attorney General, and very much regret that such disgraceful proceedings, on the part of the Magistrates in the District of Brisbane Water, should not sooner have been put an end to.

3. I shall not trouble the Honorable the Chief Secretary with any lengthened personal explanation of my conduct as a Magistrate, but would observe that, on my arrival from England in 1855, a strong feeling manifested itself against me from certain Magistrates of the Gosford Bench, which became past endurance in the early part of the present year. I proposed, as I had previously done for years, that a roster should be formed, ensuring the attendance of two Magistrates every Court day. Messrs. Nunn and Osborne, with whom I have acted cordially, assented. Messrs. Harrison, Hely, and Scott would not consent to any change. It was then my intention to resign my commission rather than subject myself to the continued insults (evidently premeditated) of Messrs. Hely, Scott, and Harrison. I was prevented from resigning, in consequence of the expressed wish of many old inhabitants of the district. I however determined not again to sit as a Magistrate at Gosford until some change should take place, verily believing that it was the intention of the last named Magistrates—one to incite me to a breach of the peace, and the other two, acting summarily, to send me to prison.

4. A constable came to my house, in April, twice in one week, with a letter from the Clerk of the Bench, requesting my attendance at the Court by order of the Bench. I was afraid to go for the reasons assigned. I have not sat upon the Gosford Bench since, and intimated my intention to the Clerk at that time, as per copy (with slight inaccuracies, not material) enclosed, marked D. The enclosed letters from Messrs. Scott, Hely, and Harrison, marked A. B. and C., were shortly afterwards received; thus my connection with the Gosford Bench ceased. I have not replied to any of these communications, although couched in language gentlemanly in the extreme, in comparison with the low, coarse abuse with which these gentlemen were accustomed to assail me with, after a ride of twenty miles to exercise my functions as a Magistrate, in accordance with my oath, so far as my humble ability permitted me.

5. I scarcely think it necessary to offer any remarks on these letters, as they will tell their own story, but would add, that Mr. Hely designating me as an amateur bailiff, is true. I caused a writ of *Ca. sa.* to be issued against him for debt, and the officer was frightened to take him, without assistance, in consequence of his reputed violent character. I accompanied the officer, and he was duly lodged in prison.

6. I have acted with Magistrates at almost every Bench in New South Wales and Queensland, and almost daily in Sydney for a long time, during the Police Magistracy of Mr. Dowling and Mr. Forbes, and have frequently had charge of the Court there without any disagreement or unpleasantness with my brother Magistrates. I am, however, quite willing to admit that no man is a proper judge in his own case; and I shall be glad to offer to the Government any further information or explanation they may require, but must decline doing duty at Gosford under existing circumstances.

7. With reference to Mr. Scott's assertion as to my attendance being confined to times when I have paltry or doubtful cases before the Court, I beg to state that during five years I have had five cases for adjudication at the Police Office, Gosford. The first, *Hargraves v. Stockdale*, in the Court of Requests. Present:—Messrs. Harrison and Lette, J.P.'s.—Bench refused to hear the case.—Mandamus applied for; rule made absolute; case heard.—Verdict for plaintiff, £10 and costs. *Marsh v. Hargraves*.—Wages.—Verdict with costs for defendant, plaintiff not being enabled to claim for thirteen days. *Rowland v. Hargraves*.—Wages.—Verdict for defendant with costs.—Wages fully paid. *Hargraves v. Taaffe*.—Abusive and threatening language.—Defendant bound to be of good behaviour for six months. *Hargraves v. Seaman*.—Illegal detention of a certain piebald pony.—Case dismissed.—Seaman states he was induced to commence an action in the District Court, in this case, by Mr. Harrison.—Action tried.—Verdict for plaintiff, £100.—Appealed against.—New trial granted.—Plaintiff to pay costs. Second trial: verdict for defendant. *Hargraves v. Taaffe*, in the Court of Requests.—Slander.

Slander. Present: Messrs. Scott and Harrison.—Case fully proved.—The Bench held that the language complained of was not slanderous.—Case dismissed. (A copy of the slanderous language hereto annexed, as proved in the Court, marked E.)

8. Annexed is the explanation called for by the Honorable the Chief Secretary. I leave the Colony for Western Australia on the 22nd proximo, and purpose being absent about nine months.

(A.)

Orimbah S. S. Mills,
3 May, 1862.

Sir,

I have just seen a letter addressed to you by Mr. Battley, in which, with the greatest insolence, you say that you will not jeopardize your character and respectability by sitting on the Bench along with Messrs. Hely, Harrison, and myself. This production upon ordinary occasions I would have treated as I do yourself, with the utmost contempt; but as matters connected with the Gosford Bench must soon come to a crisis, I address you now, that my opinion of your conduct may, along with the effusions calling it forth, be placed upon the records of the Court.

And, in the first place, let me tell you that your presence on, or absence from the Bench, is to me a matter of complete indifference; for your attendance there happens almost invariably only when you have "some" questionable case before the Court, or when you have the opportunity of taking advantage of your position on the Bench to gratify your personal animosity, or to lend a helping hand in such a case to your friends and allies. On the latter occasion your presence is often obtained by the despatch of a special messenger to Bungaree's Noragh. As an instance of your taking advantage of your position on the Bench to wreak, as far as possible, your spite on those opposed to you, I will only mention the case in which you lately committed me for trial on a charge of arson, when, after enlarging, in your usual exaggerated style, on the enormity of the offence, you imposed very heavy bail, and threatened to keep me in custody for twenty-four hours, in order to take the bail offered into consideration; and this you did, Sir, well knowing that there was no case against me, as you said outside the Court House that you knew the case had (*then*) gone as far as it would go, which statement, as you are doubtless aware, turns out to be correct.

I will not here refer to your antecedents (well known in this district), further than to say, that previous to your mushroom elevation, by obtaining the reputation of being the gold discoverer, you would never have been admitted into the society of gentlemen, and yet you have the effrontery to say that you will not risk your character and respectability by sitting on the Bench with those who, I have no hesitation in saying, are gentlemen by birth, education, and conduct.

I have not long had the honour of being in the Commission of the Peace, but I can safely say that I have never taken advantage of my position to trump up charges against officials whose only offence was the impartial discharge of their duties; nor have I ever given a decision on any case that came before me that I am ashamed to own or afraid to have investigated; and I shall be only too glad when an inquiry takes place (as it soon must) into the conduct of the Gosford Bench.

You have signified your intention of discontinuing your visits to the Gosford Court House, and although the time you will in consequence gain, will not be very great, I would strongly advise you to employ it in the improvement of your orthography, so that the next document you write, for the purpose of having it placed on the records of the Court, will not plainly shew, as does the one in the present instance, that from your want of education you must be sadly out of place when on the Bench.

I am, &c.,
LYALL SCOTT.

Mr. E. H. Hargraves,
Bungaree's Noragh.

CERTIFIED to be a true copy of duplicate, filed at the Police Office, Gosford, with the exception that in the first page the word "some" is substituted for the letter "a," and in the second page the word "then" is an interpolation, both being underlined.

THOS. C. BATTLEY, C.P.S.

Police Office,
Gosford, 7 June, 1862.

(B.)

Wyoming, 1 May, 1862.

Sir,

I have this day read with a *considerable amount* of surprise and disgust, not unmingled with a *large share* of contempt, a letter addressed by you to the Clerk of Petty Sessions at Gosford, in reply to a circular from him, requesting your attendance on the Bench, in which you decline attending, and give as a reason the unseemly behaviour of Messrs. Scott, Harrison, and myself. Now, Sir, had you not introduced my name I should have treated your production with the contempt it deserves, but as you have not only done so, but have also had the impudence to desire your elegant epistle to be placed upon record, I take the opportunity, in reply, to tell you a few home truths, as I shall order this letter to be recorded also.

In

In the first place, I have no hesitation in telling you plainly that your statement as to unseemly behaviour on the part of Messrs. Scott, Harrison, and myself, is a gross falsehood; the only conduct I have ever witnessed on that Bench calculated to bring into contempt the office of Magistrate, has been your own, and occasionally that of another Justice of the Peace, a great professed friend of yours. In the next place, your attendances have been, to say the least, few and far between, having been (it seems to me) limited to those occasions on which a packed Bench has appeared desirable to you or some of your friends, or others in which you have appeared either as plaintiff or defendant in paltry and insignificant cases; and I may add that as your presence has never been desired, so has your absence been felt a relief not only by the Magistrates but by the general public, who have been almost unanimous in expressing their disgust at your gross and unseemly conduct on almost every occasion latterly upon which you have occupied a seat on the Bench.

You, Sir, have the impertinence to say that you will not sit among gentlemen for fear of jeopardizing your respectability,—

May I ask who you are?—and may I also ask whether you remember your former position in this district before you became the *great reputed* gold discoverer? I remember a certain Mr. E. H. Hargraves who acted as process-server and amateur bailiff, and who was fond of undertaking dirty jobs in that peculiar line that no one else could be found to perform. Were you the man, if so, you must have most unparalleled effrontery to decline sitting with gentlemen for fear of injuring your respectability!!! Let me call to your remembrance an old and homely adage, that “the least said is soonest mended” on such a subject as that by you, in this district, at all events.

I have held the Commission of the Peace for nearly fourteen years, and I can look back upon my every judicial act during that time with the conscientious conviction that each will bear the most minute inspection, nor have I ever, thank God, used my Magisterial authority in the endeavouring to *wrong* or *oppress* any one. I wish that every Magistrate on the Gosford Bench could say the same.

I am quite prepared to join in a request to the Government to institute an inquiry into the proceedings and general conduct of the Magistrates in this district. Should such inquiry take place, I think I could guess the sequel.

Now, Sir, allow me, before I conclude, to offer you a little advice. When you next write anything you wish to be placed upon record, it would be as well for you to have a dictionary at hand, for I am sorry to say that in your letter now before me, the orthography is not of a description to shed additional lustre upon one styling himself “gold discoverer,” and holding Her Majesty’s Commission of the Peace.

E. H. Hargraves, Esq., J.P.

HOVENDEN HELY.

CERTIFIED to be a duplicate of a letter filed at the Police Office, Gosford, with the exception of certain words underlined in the first and sixth pages, which differ but do not alter the general sense.—THOS. C. BATTLE, C.P.S.
Police Office, Gosford, 7 June, 1862.

(C.)

Gosford, 10 May, 1862.

Sir,

It appears you have addressed a letter to Mr. Battley, in which you speak in most disrespectful terms of Messrs. Hely, Scott, and myself, and I regret to say you have, with an infatuation most absurd and reprehensible, therein made statements quite at variance with the truth. I should have passed over this matter with the most sovereign contempt, had you not directed that this very erudite epistle should be placed on record.

Your fear of compromising your respectability by sitting on the Bench with the aforesaid gentlemen is, to me, an idea so truly refreshing and amusing that I must thank you for the enjoyment of a hearty laugh.

Now, pray, whence comes your respectability?

Is it that, flushed with the gilding of a debateable nugget, or that, possessed with the imbecility of the “Frog in the fable,” you are endeavouring to force for yourself a position, viz., that of a gentleman; if so, place this flattering unction to your soul, that even as the frog failed to reach the pinnacle of its imaginary happiness, so will you fail in persuading the public to take you for a gentleman.

I should strongly recommend you to study the word charity, not in the common acceptance of the term, but in that extended sense pointed out to us in that Book, if ever you open, the precepts of which you evidently do not appear to understand.

You will there find that charity is one of the fundamental roots of Christianity, which, if practised by you in its most extended sense, may in time qualify you for the enviable rank of a gentleman, to which the parchment whereon your commission is written now only gives you the semblance of a claim.

As in your infatuation you have directed that your letter should be recorded, thus establishing a vehicle for your folly, I have taken the trouble to add another wheel to your chariot, which, I trust, may assist to take you on your (road) way rejoicing.

I remain, &c.,

E. H. Hargraves, Esq.

JAMES HARRISON, J.P.

CERTIFIED to be a duplicate of a letter filed at the Gosford Police Office, except in last page for “road” read “way.”—THOS. C. BATTLE, C.P.S.

7 June, 1862.

70—G

(D).

(D.)

Bungaree's Noragh,
29 April, 1862.

Sir,

With reference to your letter of the 24th instant (received by Constable Gorman last night), I have merely to reiterate my previous determination in the premises, viz. :—

That the grossly expressed (and doubtless premeditated) insults from Messrs. Scott, Hely, and Harrison (at all times uniform) prevent my attendance. I am, however, quite willing to take my fair share of the duty at the Police Office, Gosford, in the event of a roster being formed. Whenever I attend at Gosford there are generally six Magistrates on the Bench, who are certainly the most disorderly persons in the district during the sitting of the Court, hence my withdrawal from such unseemly exhibitions.

It was only a very short time ago I was compelled to stop the proceedings of the Court and reprimanded Mr. Harrison for swearing on the Bench, and I will not further compromise my respectability of character by attending these weekly rows at the Court, which are looked forward to by the idle loungers about the township as a sort of treat, and can only end in bringing the office of the Magistrate into ridicule and contempt.

In conclusion I desire to add (in order that no further misunderstanding shall occur as to my non-attendance) that this communication be placed on record.

I have, &c.,

E. H. HARGRAVES, J.P.

T. C. Battley, Esq.

CERTIFIED a true copy of original letter filed at Police Office, Gosford.—THOS. C. BATTLE, C.P.S.

Gosford, 7 June, 1862.

(E.)

HARGRAVES *v.* TAAFFE.

COPY of the language held by the Bench as not slanderous. Verdict for Defendant with 15s. costs.

JOHN TAAFFE came to my store on Thursday, the 4th day of July instant, and when in the street opposite, called out—"I was servant to Edmund Hammond Hargraves, the gold discoverer, for seven months, and while I was with him he wanted to make me as big a thief as himself, and that he could prove it at any time." This was in the public street.

ELLEN LLOYD.

Witness—E. H. HARGRAVES.

Friday, 5 July, 1861.

On the 4th July, 1861, John Taaffe came to Mrs. Lloyd's store, and addressed her as follows:—"Well, here is old mother Lloyd; I am damned if you are not in the family-way, as big as a bloody cask, yes, as big as a bloody cask; that bloody old Hargraves wanted to give me a night's lodging in the watch-house, the rubbish; the bugger wants to put me under a stone; I declare to my God, Mrs. Lloyd, I was a servant of Edward Hammond Hargraves, the gold discoverer, for seven months, and he tried to make me as big a bloody thief as himself every day I was with him; I declare to my God he did, Mrs. Lloyd—the rubbish—the rubbish."

E. J. HARGRAVES.

This language was written down at the time it was uttered.—E. J. HARGRAVES.

I have, &c.,

E. H. HARGRAVES.

Present address—Gosford, Brisbane Water. After the 10th September—Sydney
After the 22nd September—Perth, Western Australia.

P.S.—I find I had two cases of trespass against Taaffe; also Taaffe fined £2 and £5 respectively.

E. H. HARGRAVES.

EXPLANATION called for by the Honorable the Chief Secretary.

THE QUEEN *v.* W. J. NUNN.

THURSDAY is the usual Court day, and, for a period of ten years, has not been deviated from to my knowledge. I considered this case was one of great hardship, so far as Mr. Nunn was concerned; the summons was only served on Saturday or Friday night, after the

the arrival of the post, and made returnable on Monday (to the best of my recollection), when no other Magistrates would be present excepting those who actually got up the case against him (Mr. W. J. Nunn.)

I was informed, quite accidentally on Sunday evening, by Constable Overall, that Mr. Nunn was to be tried on Monday morning by order of the Attorney General. I attended the Court, and must say that great feeling was displayed by Messrs. Harrison and Scott throughout the investigation.

When Mr. Osborne and myself withdrew from the case I was in the act of signing the depositions, so far as we had sat in the case, when Mr. Harrison snatched the depositions out of my hand, and tore them, in a burst of passion. I did not put a single leading question, or Mr. Osborne either. The inquiry was, so far as Mr. Osborne and myself were concerned, conducted in the usual way. I told the girl Buckton that she need not answer any question that would criminate herself. Messrs. Scott and Harrison put questions to the girl Buckton of a leading and unfair way. I did not give Mr. Harrison the lie direct, as stated by Mr. Scott; his statement is untrue. I did not at that time, or any other, assail the Magistrates with abuse of any kind. I stated that, "Thursday being the Court day, it appeared to me strange that a case against a Magistrate should not be heard on that day"; when Mr. Harrison replied, "You will not think so when you read the Attorney General's letter. I have no feeling in the case. I am acting and doing my duty conscientiously." I replied, "I wish I could think so. I do not." Mr. Scott then said, "That is giving Mr. Harrison the lie direct." I made no further reply.

E. H. HARGRAVES.

The memorandum made in this case by myself and Mr. Osborne is correct in every particular.

THE QUEEN v. SCOTT.—ARSON.

MR. TOMLINSON, the prosecutor, proved his lease to the 2,000 acres of land from Mr. Stockdale, and that Mr. Scott, or the then firm of Scott and Jolly, merely held a permission to remove certain timber for a consideration named, and had no right to buildings or bridges, and that the landholder resided on the estate. Further, that Mr. Scott went to the bridge in question (of the value of about £100), with a number of men, burnt it down, and, when completely destroyed, returned and gave his men ale to drink, of which he (Mr. Scott) partook. I thought the case one of so bad a character, that I would myself have referred the prisoner to the Attorney General for bail. I, however, acceded to Mr. Nunn's request, and granted it, himself £500, and two sureties in the sum of £250. Mr. Tomlinson has erected a steam saw-mill on the property, and now holds peaceable and quiet possession. In considering bail I was guided by the fact, so far as it is capable of proof, that Mr. Scott was a mere overseer to Mr. Mort, of Sydney, and had recently passed through the Insolvent Debtors' Court for an enormous amount (between 20 and £30,000, with trifling assets.) Mr. Scott was appointed to the Magistracy, it is reported, on the petition of a number of sawyers and shingle-splitters, chiefly dependants, as I am informed, of the late firm of Scott and Jolly. This is the second case in eleven years where the Attorney Generals have not filed a bill, in the large number of cases I have sent from all parts of the Colony.

E. H. HARGRAVES.

THE QUEEN v. TOMLINSON.

IN this case I could not discern anything appertaining to perjury against Mr. Tomlinson, and in expressing my individual opinion, Mr. Harrison said, "I have made up my mind to commit." I then withdrew from the case, and did not sign the warrant of committal.

E. H. HARGRAVES.

To the Honorable the Colonial Secretary, Sydney,—

The following Petition of the Landholders and Residents in the District of Brisbane Water,—

HUMBLY SHEWETH :—

That at a large public meeting, held on the 11th of August, in the Court House, at Gosford, to take into consideration the conduct of the Magistrates of the District, the following resolutions, shewing the feelings of the residents, were duly moved, seconded, and unanimously carried :—

1st. That this meeting having heard with surprise and alarm of our worthy Magistrates (Messrs. Harrison, Hely, and Scott) having been honoured by a communication from the Colonial Secretary, desiring them to shew cause why they should not be superseded, feel imperatively called on to express its feeling thus publicly, and, thereby, to rebut any insidious remarks that might have been made to the fountain head of Government, by our united voice and unmistakeable vote of confidence in the hitherto impartial and just administration of the laws, by the abovenamed gentlemen.

2nd. That this meeting, fearing the three gentlemen (Messrs. Harrison, Hely, and Scott) should feel inclined to resign their Commission, and thus abandon the post they have so honourably filled, implore them rather to invite an inquiry, if necessary, and thus enable the district, as one man, to shew them to the Honorable the Colonial Secretary, as we know them ourselves, viz. :—Gentlemen, who have ever held the scales of justice with a steady hand and an unbiassed mind,

3rd.

3rd. That this meeting place the most unbounded confidence in the justice and clear-sightedness of the Honorable the Colonial Secretary, and they feel assured that as soon as he has heard the united voice of the people of this district, he will not only be pleased to confirm the Commissions of the three named gentlemen, but will also remove any cause of the want of peace, and of that dignity so necessary on the Magisterial Bench, the absence of which we have been obliged to deplore of late.

4th. That this meeting deem it a duty they owe to the Honorable the Colonial Secretary, to appoint a deputation to wait on him, and present a memorial from this meeting, with a copy of the resolutions moved herein. And that a Committee be forthwith formed to draw up such memorial, and select such deputation.

5th. That the thanks of this meeting are due, and hereby tendered to the Chairman for his impartial conduct in the chair.

Your Petitioners would therefore beg that you will be pleased to carry out the wishes of the inhabitants of the district, as expressed in the forgoing resolutions, and not only confirm the appointment of those Magistrates in whom they express their confidence, but also remove from the Commission of the Peace any others who may be shewn to be the primary cause of the want of unanimity on the Bench. By so doing the impartial administration of justice will be secured, and the confidence of the residents of the district will not be misplaced.

And your Petitioners, as in duty bound, will ever pray,—

H. N. Woolfrey, M.A.
 John O'Leary
 William O'Leary
 Thos. Davis
 Joseph Laidley
 William Riley
 Benjamin Davis
 Joseph Turner
 Thos. Bates
 John Buddle
 Joseph Murphy
 Edward Davis
 William Stevenson
 James Piper
 William Norton
 James Mullens, junior
 George Seaman
 James Frost
 Frederick Gibbins
 Edward Beattie
 Charles W. Cox
 Rock Davis
 James Keen
 William Kellif
 Henry Piper
 Thos. J. Hyland
 John Reilly
 Irvine Coulter
 Wm. Coulter
 John B. Coulter
 Robert Coulter
 Joseph Lloyd
 William Brown
 Robert Miller
 Barker J. Benson, M.D.
 John Selmon
 Edwd. Ralph
 John Flack
 John Brooks
 John Seaman
 John Moore
 John Mitchell
 Hans Lloyd
 J. Clarke
 Michael Barry
 Samuel Best
 David Capper
 Davey Sadim
 Daniel F. Sullivan
 Hetherington Grey
 John Smith
 George Ingram
 Samuel Wilson
 John Hovenden Benson

John Beattie
 Petre Robinson
 Jas. C. Norris
 John Williams
 John Coleman
 William Channell
 James Capper
 George Hamford
 Philip Henry
 John James Seaman
 Thomas Vinson
 Walter Kemp
 James Hastings
 William Bushell
 John Page
 Richard Bartlet
 John Annford
 Isaac Marsh
 Daniel Genson
 Thomas Hanson
 Joseph Frost
 Ebenezer Jones
 John Capper
 Thos. Capper
 Martin Conway
 James Rowe
 Michael Byrnes
 James Mullins
 Thos. Humphreys
 Edward Moran
 Patrick Humphreys
 Daniel C. Poole
 John Woodward
 John Dunlop
 James Dunlop
 Thos. Palmer
 W. H. Beattie
 F. E. Rishworth
 Henry Williams
 Edward Kelly, senior, his × mark
 Edward Kelly, junior, his × mark
 John Kelly, his × mark
 William Dickson
 William Muddle
 Geo. Spears
 William John
 Vandeward Benson
 Henry Manthey
 James Fletcher
 William Piggott
 Daniel Berry
 Albert Hunt
 Michael Cox
 James Marsh

William

William Martin, senr., White Wood Bridge	James Asbey, Orimbah
William Martin, junr., White Wood Bridge	John Ryde, Blue Gum Flat
Jeremiah Martin, White Wood Bridge	Moses Gorman, Cooraming
Peter J. Duffy, Narara Creek	William Deanes, Cooraming
Thomas Delany, Yarramalong	Henry Denney, Tower Creek
John Broadbent, Wyoming	Edward Wamsley, Blue Gum Flat
Henry Anderson, senr., Wyoming	James Wamy, Narara Creek
Henry Anderson, junr., Wyoming	George Stamp, West Gosford
Michael M'Mahon, Narara Creek	William Mechart, Blue Gum Flat
Michael Mahony, Narara Creek	Alexander Gregory, Blue Gum Flat
Edward Taylor, Janilong	Christopher Pennington, Maiden Brush
Geo. F. Heath, Narara Wharf	John Cockcroft, Gosford
Christopher Gavenlock, senr., Narara Creek	Patrick Murray, Sandy Ridge
Christopher Gavenlock, junr., Narara Creek	William Robertson, Narara Creek
Samuel Boulden, Narara Creek	Thomas Reamer, Narara Creek
H. N. Woolfrey, O.C., Kincumber	John Read, Orimbah
William Wamsley, Fountaindale	William Tinley, Orimbah
Alfred Woolfrey, Banana Island	W. H. Bryce, Orimbah Steam Saw-mill
Henry A. Crause, Gosford	David Wright, Orimbah, Steam Saw-mills
Sim Fraser, Gosford	John Robley, senr., Orimbah
D. Barron, Gosford	John Robley, junr., Orimbah
Robert White, Gosford	Thomas Izzard, Orimbah
James Walters, Wyong Creek	Thomas Williams, Chataway
Robert Creighton, Gosford	George Crear, Tuggerah Beach
James Grant, Erina Creek	William Marching, Blue Gum Flat
Griffith Wm. Parry, Gosford	Alexander Grey, Blue Gum Flat
Thomas Cateby, Blue Gum Flat	William Smith, Blue Gum Flat
Chas. Taylor, Cooraming	William Kenedy, Blue Gum Flat
Charles Newmann, Blue Gum Flat	Joseph Lees, Tuggerah Beach Creek
William Newmann, Blue Gum Flat	Robert Goldie, Kanguarangay
Patrick O'Leary, Cooraming	James Goudie, Tuggerah Beach Creek
George Keene, Gosford	David Goldie, Golden Point
John Holland, Gosford	James W. Goldie, Golden Point
Irvine Coulter, Gosford	Wm. B. Goldie, Golden Point
William J. Coulter, Gosford	William Gooding, Chataway
Simon White, Blue Gum Flat	James Gooding, Chataway
James Henry, Narara Creek	John Bardin, Chataway
George Griffiths, Narara Creek	Antonia Sotzenbac, Blue Gum Flat
Thomas Durrington, Young Creek	Matthew Sotzenbac, Blue Gum Flat
Samuel Boyd, Yarramalong	Charles Bowen, Blue Gum Flat
Hamilton Stinson, Yarramalong	Charles Armstrong, Chataway
William Smith, Maiden Brush	William Brown, Blue Gum Flat
James Day, Gosford Park	James Buscombe, Orimbah
Edwd. Newman, Gosford Park	James Miller, Orimbah
John Taylor, Gosford Park	William Hill, Yarramalong
William Trigg, Gosford Park	Isaac Board, Blue Gum Flat
James Crook, Blue Gum Flat	Samuel Peatman, Blue Gum Flat
John R. Stockdale, Cooraming	Edward Clear, Blue Gum Flat
Maurice Gorman, Blue Gum Flat	Patrick Owens, Blue Gum Flat
James Wellings, Erina Creek	William Earl, Gosford Park
John Hampford, Blue Gum Flat	William Cook, Sandy Ridge
James Stockdale, Blue Gum Flat	Henry Murdock, Sandy Ridge
George Beavan, Yarramalong	John Murdock, Sandy Ridge
John Tobin, Orimbah	William Murdock, Sandy Ridge
Edward Hawkins, Orimbah	John Hillman, Sandy Ridge
William Murray, Orimbah	George Gray, Sandy Ridge
Alexander Logan, Orimbah	William Palmer, Sandy Ridge
Saml. Goodwin, Young	Thomas Grant, junr., Sandy Ridge
Japhet Morris, Orimbah	Benjamin Newcombe, senr., Sandy Ridge
Charles Pointer, Orimbah	Benjamin Newcombe, junr., Sandy Ridge
Alfred Mason, Orimbah	John Newcombe, Sandy Ridge
James M'Caghey, Orimbah	George Newcombe, Sandy Ridge
Edwd. Hart, Orimbah	Thomas Brown, Sandy Ridge
	Thomas Jones, Sandy Ridge
	John Jones, Sandy Ridge
	James Jones, Sandy Ridge
	Patrick Smith, Orimbah

ATTORNEY GENERAL to THE UNDER SECRETARY.

(In re the Brisbane Water Magistrates.)

I HAVE carefully perused the Petition in this matter, and the several explanations given by each of the Brisbane Water Magistrates, of his conduct in the matters mentioned in my opinion of the 16th May last; also, Mr. Hargraves letter of 29th April, and Messrs. Hely, Scott, and Harrison's replies thereto, of the 1st, 3rd, and 10th May, and

and am clearly of opinion that the above four gentlemen have, by their own abusive letters to each other—by filing these letters among the records of their Court—by their quarrelsome conduct towards each other—and by the various offensive remarks upon each other during the various proceedings in the several committals which I declined to prosecute, proved beyond all question that each of them is quite unfit to be any longer entrusted with a Commission as Justice of the Peace for this Colony.

I also think Messrs. Osborne and Nunn have sufficiently answered the inquiries made as to their participation in these transactions, and I see no ground for any further inquiry as to the conduct of these gentlemen as Justices of the Peace.

JOHN F. HARGRAVE,
Attorney General.

B.C.—8/10/62.

WILLIAM JOHN NUNN, ESQ., J.P., to COLONIAL SECRETARY.

Erina, Brisbane Water,
28 November, 1862.

SIR,

Having had the honor of receiving a letter from you upon the 31st July last, calling upon me to shew cause why I should not be removed from the Commission of the Peace, and having replied thereto, I hope such reply was satisfactory to you; but still I was in hopes that you would have caused an inquiry to have been instituted, as I never can forget that I am (as well as Mr. Hargraves, J.P.) accused by Mr. Hely, J.P., of a wilful and deliberate perversion of the truth, a charge that I regard as of the greatest magnitude, and if true, one that would render me a disgrace to the Commission I hold, and the circle in which I move. The truth of our statement is easy of proof, and I had hoped an opportunity would have been afforded me of proving it so. As such a charge has been made against me, and as no redress is open to me (and as it was yourself who did me the honor of conferring the Commission of the Peace upon me, upon the recommendation of Mr. Scott, of Ash Island), I beg you will excuse reference to my previous life, which, from eighteen years of age, until I embarked for this Colony, was spent as an officer in the army in the 83rd regiment, and latterly in the 26th Cameronians, and that during the whole of that period I served with honor to myself and satisfaction to every one with whom I was connected—testimonials to which effect I could produce even from royalty itself, having served under the command of His Royal Highness the present Duke of Cambridge, and other distinguished officers. I left the army in consequence of ill health, contracted by service in India, and soon after arrival in this Colony, in 1856, I obtained the usual remission allowed to officers, in the price of land, and have the same on the North Shore at the present time. Since my appointment to the Bench at this place the greatest unanimity and good feeling has existed between Messrs. Osborne, Hargraves, Lett, Horseburgh, J.P's., and myself, and with all of whom I am on the best of terms; but from others I have received nothing but insults, injustice, and false representations.

My sole object in now addressing you is that, should my reply to your previous communication not have been found perfectly satisfactory and explanatory to you, that you will do me the justice of ordering inquiry to be made into the whole circumstances of the case. Should you, however, not deem such necessary, I hope I may rest satisfied in the assurance that you do not deem me guilty of a perversion of the truth, though such has been represented to you to be the case. Apologizing for thus trespassing upon your time,

I have, &c.,
WILLIAM JOHN NUNN.

MINUTE Paper for the Executive Council.

Colonial Secretary's Office,
Sydney, 23 October, 1862.

IN accordance with the Minute of the Executive Council, of 7th July last, Messrs. Hargraves, Nunn, Hely, Harrison, Scott, and Osborne, Justices of the Peace acting at Brisbane Water, were called upon in consequence of some very extraordinary conduct on their part, which had been brought under notice of the Government, to submit any explanation which they might desire to make on the subject. The explanations offered by these Magistrates respectively, having been forwarded to the Attorney General, he states that, having carefully perused them, he is clearly of opinion that Messrs. Hargraves, Hely, Scott, and Harrison, have, by their abusive letters to each other—by filing these letters among the records of their Court—by their quarrelsome conduct towards, and various offensive remarks upon each other, during their various proceedings on several committals in which he has declined to prosecute, proved beyond all question that each of them is quite unfit to be any longer entrusted with a Commission as a Justice of the Peace for the Colony. The Attorney General considers that Messrs. Osborne and Nunn have sufficiently answered the inquiries made as to their participation in the proceedings, and he sees no ground for any further inquiry into their conduct as Justices of the Peace.

It is recommended that the opinion of the Attorney General be adopted, and that a supersedeas be issued, removing Messrs. Hargraves, Hely, Scott, and Harrison from the Commission of the Peace.

CHARLES COWPER.

WITH

WITH reference to the former proceedings on the 7th July last, when Messrs. Hargraves, Nunn, Hely, Harrison, Scott, and Osborne, Justices of the Peace at Brisbane Water, were called upon to shew cause why they should not be removed from the Commission of the Peace, and their several explanations in reply having been referred to the Honorable the Attorney General, the Executive Council advise (under his recommendation) that a supersedeas be issued, removing Messrs. Hely, Hargraves, Scott, and Harrison from the Commission of the Peace.

2. The Council further advise that the recommendation of the Honorable the Attorney General, with reference to Messrs. Osborne and Nunn, two of the said Justices of the Peace, be approved, as it appears that they have satisfactorily explained their participation in the proceedings complained of.

CHARLES COWPER, JUNR.,
Clerk of the Council.

THE UNDER SECRETARY to E. H. HARGRAVES, ESQ.

(62-4,965.)

Colonial Secretary's Office,
Sydney, 6 December, 1862.

SIR,

With reference to my letter of the 31st July, and to your reply of the 17th August, on the subject of certain circumstances affecting your position as a Magistrate of the Colony, I am directed by the Colonial Secretary to inform you that your explanation having been carefully considered by the Government, it has been decided that yourself, together with Messrs. Hely, Scott, and Harrison, by your abusive letters to each other—by filing these letters among the records of the Court—and by your quarrelsome conduct and offensive remarks to your brother Magistrates during various proceedings on committals in which the Attorney General has declined to prosecute, have proved your unfitness to be any longer entrusted with a Commission as Justice of the Peace. His Excellency the Governor, with the advice of the Executive Council, has therefore been pleased to direct the issue of a supersedeas, removing you from the Commission accordingly.

I have, &c.,
W. ELYARD.

Corresponding letters to—
JAMES HARRISON, ESQ.
HOVENDEN HELY, ESQ.
LYALL SCOTT, ESQ.

HOVENDEN HELY, ESQ., to COLONIAL SECRETARY.

Wyoming, Brisbane Water,
12 December, 1862.

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 6th instant, in answer to mine of 5th August last, informing me that my abusive letters to my brother Magistrates, and filing those letters on the records of the Court, and my quarrelsome conduct and offensive remarks also to my brother Magistrates during various proceedings and committals, in which the Attorney General has declined to prosecute, have proved my unfitness to be any longer entrusted with the Commission of the Peace, and that I have been superseded accordingly.

I beg to state that, *for the present*, I bow to the decision of the Governor and the Executive.

I cannot at the same time refrain from saying, that I have been treated in this matter with the grossest injustice, and that the Government having by their act fixed a stigma on my character as a Magistrate and a gentleman, it is my intention, in order to remove that stigma, and thoroughly clear myself in the eyes of the public, to appeal to the Parliament of the country.

I must also remark, that as this decision of the Executive seems to partake of the nature of a "foregone conclusion," they might have taken this step some few weeks since, and not have waited until the eve of the prorogation of Parliament.

You are aware, Sir, that in my letter to you of the 5th August, I earnestly and respectfully requested a local inquiry into the conduct of the various members of the Gosford Bench; had this inquiry been instituted, perhaps the Government would have seen good reason to alter the opinion at which it appears to me they had already arrived.

To the fact of writing a letter (not an abusive, but a truthful letter) to Mr. E. H. Hargraves, I plead guilty; but that letter was drawn from me by a previous one from that person, reflecting in a most false and impertinent manner upon myself and two of my brother Magistrates.

I also admit having inserted on one page of certain depositions, that a previous statement on the same page, by Messrs. Hargraves and Nunn "*was false*." I now repeat that their statement alluded to was *wilfully and deliberately false*, as could have been proved

proved by every person in Court, and made with a view, not only of blackening the defendant's case, but of imputing dishonorable motives to myself and Mr. Harrison; and although, under the circumstances, I might perhaps have used a milder term, I did not in my anger pause to choose words, nor do I regret having expressed myself so plainly.

As to the other allegations contained in your letter, "of my quarrelsome conduct and offensive remarks," I can afford to treat them with contempt, merely expressing my regret that you had not taken care to be better informed. I have occupied a seat on this Bench for many years, and I may safely assert that no person in the district could be found to say that I have not always conducted the business of the Court in a quiet, decorous, and gentlemanly manner.

I trust that before long such inquiry will be made, as will thoroughly disprove everything that has been stated to my disadvantage; and perhaps it may also be discovered who have been the quarrelsome, the offensive, and the partial dispensers of justice in Brisbane Water; in the meantime I shall have more leisure to attend to my own private business, nor shall I be ambitious of again holding the Commission of the Peace under the auspices of the present Government.

I have, &c.,
HOVENDEN HELY.

LYALL SCOTT, ESQ., to COLONIAL SECRETARY.

Oribah, Gosford,
16 December, 1862.

STR,

I have the honor to acknowledge the receipt of your letter of the 6th instant, informing me that, in consequence of my writing abusive letters, filing those letters among the records of the Court, and my quarrelsome conduct and offensive remarks to my brother Magistrates, thus proving my unfitness to be any longer entrusted with a Commission of the Peace, His Excellency the Governor has been pleased to direct the issue of a supersedeas removing me from the Commission accordingly.

I beg most emphatically to deny having on any occasion whatever made use of language unbecoming a Magistrate or a gentleman, and challenge proof to the contrary. I may, in answering Mr. Hargraves' offensive epistle, have written somewhat plainly, but in doing so I said nothing that I was unable fully to prove, and my letter to him was drawn from me by great and uncalled for provocation. It would require something very much stronger than the fear of being removed from the Commission of the Peace to prevent my replying to such insolence from such a quarter, and defending my character when assailed in such a way by a person having so few claims to the title of gentleman as Mr. E. H. Hargraves. If repelling gross insinuations against my character prove my unfitness to hold a Commission as Justice of the Peace, then I am most justly superseded; but had I known that in holding a Commission a gentleman is supposed to bear such insolent remarks as those made by Mr. Hargraves, without replying, I should most certainly have declined the honour.

In carefully recalling to mind the several occasions on which I have taken my seat on the Bench, I fail to recollect one single expression that I have made use of which was unfitting to be said, whilst, on the contrary, Messrs. Hely, Harrison, and myself have had on various occasions to submit to insults from parties holding seats on the Bench, which they took advantage of their position to utter, and which they had not the manliness to repeat when off the Bench.

This would have been fully proved had the Government attended to the earnest solicitations of those Magistrates who were anxious for the fullest inquiry, and of the inhabitants, as expressed in their petition, and instituted a local investigation into the conduct of the members of the Bench; had this been done, and evidence taken from the respectable and disinterested inhabitants of the district, I do not hesitate to say that the Government would not have arrived at the partial decision which they have done, by removing from the Commission gentlemen who have earnestly, zealously, and impartially discharged their duties, and retaining one who has on many occasions shewed himself totally unfit to hold such a position—who for a period of many months wholly absented himself from his duties—who during that period had several times ridden past the Court House when the attendance of a second Magistrate was necessary, and when in consequence of his non-attention to his duties, cases, involving the attendance of parties from a distance of thirty miles—had to be remanded—who on one occasion, at least, if not more, was fined for an unprovoked assault—and who has I believe several times been bound over to keep the peace.

I would beg most respectfully to be informed how justice is now to be administered in the district, as I have a complaint which I wish to lay, but as there is only one Magistrate (Mr. Nunn) resident in the district, and my case requires the adjudication of two, I am practically denied justice?—Nor am I alone in this respect, for yesterday a person, who wants to lay a complaint against this said resident Magistrate, came to me for advice as to how he ought to act in the matter.

In conclusion, I beg most strongly to protest against the injustice committed by the Government in casting a stigma on my character without instituting the fullest inquiry, which I most earnestly desired and urged upon them.

I have, &c.,
LYALL SCOTT.

JAMES

JAMES HARRISON, Esq., to COLONIAL SECRETARY.

Mona Vale, 17 December, 1862.

SIR,

I have the honor to be in receipt of your letter No. 62-4965, dated the 6th instant, advising me that His Excellency the Governor, with the advice of the Executive Council, has been pleased to direct the issue of a supersedeas, removing me from the Commission of the Peace.

2. I must bow to the decision of the Government in this matter, but at the same time most respectfully state that had a Commission been sent down here to inquire into the conduct of the Magistracy, in accordance with the petition of the people, a very different conclusion would have been arrived at; in proof of which, I beg to transmit for your information, the certified copy of an affidavit of one William Brown, made on the 19th day of July last, and twelve days previous to your letter of the 31st of the same month. This affidavit was placed in my hands some months ago for safe keeping, with a request that I would make with it whatever use I might deem fit.

3. In expectation of the before mentioned Commission being sent here, this document, with many other facts, have remained in abeyance.

4. In consequence of the decision of the Executive, I now deem it my duty to place the aforesaid document before the Government, in order to afford them an opportunity of judging of the character and style of man, who by the aforesaid decision is placed in the scale of society above gentlemen, who are not only so by birth, but have earned that qualification by continuous good conduct.

5. About December last Messrs. Osborne and Nunn, while on the Gosford Bench, publicly, and with premeditation, accused me with having told a falsehood; this matter I was also in hopes of having investigated by a Commission. The charge can be rebutted both by oral and documentary evidence; and I have quietly submitted to this insult, hoping that an investigation would set all matters to rest.

6. On another occasion Mr. William John Nunn, while on the Bench, called our then Chief Constable a convict. In mildly repudiating such conduct, have I been brought into collision with men, who by their unseemly conduct have no claim to the title of gentlemen. In endeavouring to support the dignity of the Bench, it can never be said that I have in any way forgotten what was due to myself or my brother Magistrates; and if I have opposed ruffianism, it has always been accomplished in a legitimate way. I may add that I have been repeatedly complimented for my very great forbearance on trying occasions, while sitting on the Gosford Bench; and in the fulfilment of my duties I have twice been compelled to place Mr. Nunn, senior, in confinement, for contempt of Court.

7. I have resided for twenty years in this district, fourteen of which have been almost spent in the service of the Government. I am happy in being able to say that I have gained the confidence and respect of my neighbours; I can also defy anyone to say that I have ever committed a mean or ungentlemanly action.

8. If such language as that, which appears on the face of the accompanying affidavit, had emanated from me, I should consider myself defiled, and no more worthy to be called a man.

9. It is not that I repine at the loss of my Commission, as such honors are very common in my family. My father and my grandfather were Magistrates, and Members of the House of Keys, the Manx Parliament, as also at present a younger brother, and a late maternal uncle was a Deputy Lieutenant of a county (Lancashire); but I consider my character has suffered out of this district, in consequence of the Government not authorizing an investigation on the spot. I therefore deem it incumbent on me, as a matter of right, to respectfully request an impartial investigation, and which every British subject is entitled to. It will then be found out who have outraged decency and good order, and on the contrary those who have endeavoured to support the characters of gentlemen, and maintain the dignity of the Bench. There is abundance of proof here in support of any statement I have made; and all I request of the Government is, that the matter may be fairly looked into, and that all parties may be dealt with according to their deserts.

I have, &c.,

JAMES HARRISON.

Affidavit of William Brown annexed.

New South Wales, }
To wit. }

ON this 19th day of July, in the year of our Lord one thousand eight hundred and sixty-two, William Brown, of Tarragil, sawyer, maketh oath and saith:—Sometime before Christmas last I was on the public wharf at Erina. One Frederick Foster, Matthew M'Culloch, John Blair, and James Chambers were there present, when one William John Nunn, a Magistrate, came on the wharf and insisted in keeping possession of certain timber without paying for it. He said, "You're an ignorant man, and don't know the nature of the law, and I'll bet you £20 I'll beat you," previous to which he stamped his foot, called me a "black wretch," and said take that. He then went away and returned in a quarter of an hour, and then said to me on the wharf, coolly and deliberately, "You were got by a white man out of black sow or black bitch," and that they would not allow the likes of me to live in England. He walked a few steps and said, turning to me, "You have got a black face," and frequently repeated the same words, and evidently tried to provoke

me to commit a breach of the peace. I was so much occupied at the time, and had not means in my possession, otherwise I should have brought the said William John Nunn before the Court. I felt myself very much hurt that a Magistrate and a gentleman should call my colour in question, and make it a matter of reproach. I desire to make this affidavit as a matter of record, in the event of my being at any future time insulted by the said William John Nunn.

his
WILLIAM × BROWN.
mark.

Taken and sworn before me, the day and year first before-mentioned, at Gosford, the said affidavit having been first read over to the deponent, who appeared to understand the same,—

THOS. C. BATTLE, A Commissioner for Affidavits.

Certified a true copy,—

THOS. C. BATTLE, A Commissioner for Affidavits.

THE UNDER SECRETARY to JOHN A. OSBORNE, Esq., J.P.

(492.)

*Colonial Secretary's Office,
Sydney, 22 December, 1862.*

SIR,

I am directed by the Colonial Secretary to inform you, with reference to my letter of the 31st July last, that in your explanation of the circumstances therein referred to, you have sufficiently answered the imputations on you as a Magistrate of the Colony.

I have, &c.,
W. ELYARD.

(493.)—Similar letter to W. J. NUNN, Esq., J.P., Brisbane Water.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(MAGISTRATES' ATTENDANCES AT COURTS OF PETTY SESSIONS.)

Ordered by the Legislative Assembly to be Printed, 26 August, 1863.

RETURN (in part) to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 8 July, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A Return shewing the names of the various Magistrates
“ of the Colony, with the number of Attendances of each
“ Magistrate at any Court of Petty Sessions, from the 1st
“ June, 1861, to the 1st June, 1862.”

(*Mr. Driver.*)

ADMINISTRATION OF JUSTICE.

RETURN shewing the Names of the various Magistrates of the Colony, with the number of Attendances of each Magistrate at any Court of Petty Sessions, from the 1st June, 1861, to the 1st June, 1862.

NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Adams, Augustus Alfred	Generai, Gwydir	16	Warialda.
Addison, Glentworth W. T.	Sub Gold Commissioner	1	Armidale.
Adye, William	Boambala, Yass	1	Timbarra.
Aldcorn, Andrew	Shoalhaven	1	Tenterfield.
Aldcorn, James	Mayfield, Shoalhaven	13	Yass.
Alexander, Hon. John	Woolloomooloo	12	Nowra.
Alexander, John Nightingale	Deniliquin	13	Numba.
Alexander, Maurice	Sydney	18	Nowra.
Alexander, Robert	Preston, Gayndah, Queensland	15	Numba.
Alison, Robert Lloyd	Dungog	3	Water Police Office.
Allardice, Archibald	Sydney	2	Moulamein.
Allen, Hon. George	Toxteth Park	23	Deniliquin.
Allen, George Wigram	Lynwood, Glebe	1	Central Police Office.
Alleyne, Robert Joseph	Urolly, Lower Murrumbidgee	1	Central Police Office.
Allingham, George	Armidale	17	East Maitland.
Allman, John James	Morpeth	120	Morpeth.
Anderson, Peter Dalgairus	Gigoongan, Wide Bay, Queensland	25	Picton.
Antill, John Macquarie	Picton, Coroner	20	Picton.
Antill, Edwd. Spencer	Molonglo, Queanbeyan	28	Central Police Office.
Antill, William Redfern	Picton	10	Water Police Office.
Archer, William T.	Fitzroy River, Queensland	68	Windsor.
Armitage, Henry	Sydney	71	Central Police Office.
Armstrong, William	Drayton, Queensland	22	Water Police Office.
Arnold, William Munnings	Shadbroke, Paterson	71	Central Police Office.
Ascough, James	Lower Hawkesbury	22	Water Police Office.
Ashe, John Joseph	Bathurst	22	Water Police Office.
Asher, Morris	Sydney	71	Central Police Office.
Aspinall, William Vint, M.D.	Walcha	22	Bombala.
Atkins, Heyward	P.M., Albury	41	Berrima.
Atkinson, James Henry	Sydney	3	Bogan.
Atkinson, James	Berrima	25	Molong.
Avery, Samuel	North Grafton	1	Water Police Office.
Baddeley, Charles Henry	Bombala	11	Bathurst.
Badgery, Henry	Vine Lodge, Berrima	4	Young.
Baker, John	Toowoomba, Queensland	6	Grafton.
Balfour, John	Brisbane River, Queensland	260	Wagga Wagga.
Barclay, George	Eden	12	Mudgee.
Barker, Bryce T.	Narengo, Burnett District, Queensland	9	Cowra.
Barker, Thomas	Darlinghurst	1	Bathurst.
Barker, David	Richmond River	4	Balranald.
Barnes, Henry	Richmond River	3	Binalong.
Barton, Robert Johnstone	Boree Nyrang, Molong	25	Burrowa.
Battye, Edward Montague	Inspector of Police	1	Hay.
Bayldon, William Edward	Ulmarra, Clarence River	11	Bathurst.
Baylis, Henry	P.M., Wagga Wagga	4	Young.
Bayly, Nicholas Paget	Mudgee	6	Grafton.
Beames, Robert	Muswellbrook	260	Wagga Wagga.
Beardmore, Owen Charles	P.M., Carcoar	12	Mudgee.
Beckham, Edgar	Binalong	9	Cowra.
Beddome, Samuel	Adelaide	1	Bathurst.
Bell, David	Bringelly	4	Balranald.
Bell, David	Nimitybelle	4	Binalong.
Bell, James	Bringelly, Penrith	1	Burrowa.
Bell, Archibald	Corinda, Scone	1	Hay.
Bennett, John Henry	Yowaka, Eden	3	Eden.
Bennison, William John	Little River, Braidwood	21	Panbula.
Berry, David	Coolungatta, Shoalhaven	58	Braidwood.
Berry, William	Coolungatta, Shoalhaven	58	Braidwood.
Besnard, Nicholas Richard	Kanjaroo, Yass	12	Burrowa.
Bettington, John	Passey, Hunter's Hill	9	Yass.

ADMINISTRATION OF JUSTICE.

3

NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Bettington, James Brindley	Brindley Park, Merriwa	15	Merriwa.
Bettington, Joseph Horwood	Muswellbrook		
Bettridge, Thomas	Wallabadah		
Betts, Matthew	Mudgee		
Biddulph, John Lindon	Erie, Shoalhaven	{ 10	Nowra.
Bingham, Edward	Caliguel	4	Numba.
Bingle, John	Newcastle	10	Newcastle.
Birrell, John	Waverley	17	Central Police Office.
Black, John	Scone		
Black, Thomas	Fox Ground, Shoalhaven		
Black, Alexander	C. C. Lands, Bligh, Wellington	3	Wellington.
Blackman, William Richard	Mudgee		
Blackstone, John	Rylstone		
Blair, James	Victoria		
Blake, Isidore Maurice	Yass	{ 80	Yass.
Blake, Isidore John	District Court Judge	1	Deniliquin.
Blake, Robert	Balmain		
Blandford, Charles	Lieutenant Native Police, Queensland		
Blaxland, Arthur	Gammon Plains	1	Singleton.
Blaxland, Edward James	Newington		
Blaxland, John	Hunter's Hill	13	Parramatta.
Blaxland, Charles	Ryde, Parramatta River		
Bleack, John	Camden	11	Camden.
Bligh, Hon. James Wm.	Sydney		
Bligh, Richard	Grafton		
Bligh, Henry Hocken	Inspector of Police		
Bligh, John O'Connell	Native Police, Queensland		
Bloomfield, Edwin Cordeaux	Port Curtis, Queensland		
Bloxsome, Oswald, junior	New England		
Bolding, Henry James	Graham's Town, Richmond River	39	Raymond Terrace.
Bolton, Charles	Newcastle		
Bonar, Andrew	Sydney		
Bookey, Power Le Poer	Beechworth, Victoria		
Borthwick, John	Maitland	36	East Maitland.
Roswell, Patrick Charles	Newcastle	44	Newcastle.
Botts, William Currie	Sydney		
Bowker, Richard Ryther Steer	Newcastle	4	Newcastle.
Bowler, John	Bathurst	26	Bathurst.
Bowman, William	Richmond	14	Windsor.
Bowman, George	Richmond		
Bowman, George Piece	Archerfield, Singleton	5	Singleton.
Boydell, Charles	Camyr Allyn, Paterson		
Boydell, William Barker	Gresford		
Boyle, Henry	C. C. Lands, Surat, Maranoa, Queensland		
Bradley, William	Darling Point		
Bray, John	Campbelltown	29	Campbelltown.
Breillat, Thomas Chaplin	Newtown	{ 2	Central Police Office.
Brenan, Joseph J.	Garryowen	24	Water Police Office.
Brenan, John O'Neill	Garryowen		
Brewster, John	Dubbo		
Bridson, Hugh	Sub Commissioner, Wn. Gold Districts, Sofala	{ 4	Forbes.
Broadribb, William Adams	Deniliquin	43	Sofala.
Brock, Osmond De Prior	Wetheron, Gayndah, Queensland		
Brocklehurst, William Walter	Dundullamil, Dubbo		
Brodie, Alexander	Murrurundi	40	Murrurundi.
Brougham, John	Edward River		
Brougham, Patrick	Edward River	4	Deniliquin.
Broughton, John Archer	Tumut	3	Tumut.
Broughton, Thomas Bradley	Sydney		
Broughton, William Henry	Broughtonsworth, Burrowa		
Broughton, Alfred Delves	Gayndah, Queensland		
Broughton, William	Deniliquin, Edward River		
Broughton, William	Meringo		
Brown, William Anthony	Sheriff, Moreton Bay, Queensland		
Brown, Andrew	Hartley		
Brown, John Dowling	Wee Waa	{ 2	Glen Innes.
Brown, Thomas	Hartley	3	Paterson.
Brown, Henry Hort	Gayndah, Queensland	230	Hartley.
Brown, John	Sydney		
Brown, Alfred Henry	Port Curtis, Queensland	14	Central Police Office.
Brown, Chas. Fenwick	Elphinstone, Melbourne, Victoria		
Brown, Arthur	Gingin, Wide Bay, Queensland		
Brown, Herbert Harrington	Glen Innes		
Brown, John Evans	Maranoa, Queensland		
Brown, John	Dapto	3	Wollongong.
		4	Hargraves.
Browne, William	No address	32	Forbes.
		1	Bathurst.
		1	Windeyer.
Browne, John	Singleton	8	Singleton.
Browne, Hutchinson Hothersall	North Shore		
Brownrigg, Marcus Freeman	P.M., Albury	5	Corowa.
Bryden, Hugh	Caidmurra, Barwan River	2	Wee Waa.
Buchanan, William	Bendemeer, New England	5	Bendemeer.

ADMINISTRATION OF JUSTICE.

NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Buchanan, William Frederick ..	Carlisle Gully, New England ..	1	Water Police Office.
Buchanan, James ..	Assistant C. C. Lands, Rocky River ..	5	Armidale.
Buchanan, Benjamin ..	Sydney ..	28	Urala.
Buckland, James ..	Warwick, Darling Downs, Queensland	1	Timbarra.
Buckley, Henry ..	Queensland ..	1	Central Police Office.
Bull, John Edward Newell ..	Castlemaine, Victoria ..		
Bundock, Alexander Frederick ..	Clarence River ..		
Bundock, Wellington Cochrane ..	Richmond River ..	4	Casino.
Bunn, John W. ..	St. Omer's, Braidwood ..	62	Braidwood.
Burdekin, Bossley ..	Peel River, Tamworth ..	20	Water Police Office.
Burgiss, William Grinsale ..	Ryde ..	1	Cockatoo Island.
Burne, Felix Neeld ..	Yangar, Balranald ..	24	Central Police Office.
Burne, Henry, P.M., &c. ..	Wentworth ..	11	Forbes.
Burnell, Henry Clay ..	Sydney ..	1	Euston.
Busby, Hon. Alexander ..	Cassilis ..	47	Wentworth.
Busby, George ..	Bathurst ..	3	Central Police Office.
Busby, William ..	Sydney ..	15	Water Police Office.
Burt, Alexander ..	Dubbo, Murrumbidgee River ..	9	Cassilis.
Byrnes, William ..	Parramatta ..	8	Bathurst.
Byrnes, James ..	Parramatta ..	6	Cassilis.
Cadell, Francis ..	Murray River ..	7	Parramatta.
Cadell, Thomas, junior ..	Ben Bullen, Bathurst ..	61	Parramatta.
Calder, Henry ..	Cumberland ..		
Caldwell, John ..	Sydney ..	42	Mudgee.
Callaghan, Thomas ..	District Court Judge ..		
Calvert, James Snodon ..	Cavan, Yass ..	70	Central Police Office.
Cameron, Ewen Wallace ..	Balmain ..	2	Albury.
Cameron, Daniel ..	Leichhardt, Queensland ..	26	Yass.
Cameron, Angus ..	Ulmarra, Clarence River ..	10	Water Police Office.
Campbell, David Henry Douglas ..	Binalong ..		
Campbell, George ..	Jerrula, Cowra ..	5	Molong.
Campbell, William Douglass ..	Burrowa ..	39	Cowra.
Campbell, John Bredalbane ..	Bombala ..	53	Burrowa.
Campbell, Allan ..	Yass ..		
Campbell, Archibald ..	Lorn Bank, Bathurst ..	3	Yass.
Campbell, Archibald M'Arthur ..	Victoria ..	3	Bathurst.
Campbell, John ..	Sydney ..		
Campbell, John Stoddart ..	Canowindra ..	3	Central Police Office.
Campbell, James ..	Sydney ..		
Cape, William Timothy ..	Paddington ..	3	Morpeth.
Capel, Daniel ..	Peidmont, Banaba ..	1	Warialda.
Capel, John ..	Thule, Murray River ..	1	Moulamein.
Capelain, Samuel. (See La Capelain.)	Lower Darling ..		
Capper, Edward Peter ..	West Maitland ..	2	East Maitland.
Cardew, Pollett ..	Burnett, Queensland ..	31	West Maitland.
Carmichael, Henry ..	Porphyry Point, Seaham ..		
Carne, Thomas Broughton ..	Edward River ..	13	Clarence Town.
Carstairs, George ..	Wentworth ..	2	Deniliquin.
Carter, Charles ..	Berrima ..		
Carter, Edward ..	Golden Vale, Berrima ..	19	Berrima.
Carter, Richard ..	Garrangola, Hunter's River ..	12	Singleton.
Cary, Henry ..	Sydney ..		
Cassells, Robert ..	Island Lake, Maneroo ..		
Caswell, Lieutenant ..	Carrington, Port Stephens		
Caswell, William Stewart ..	Moruya (Mourya (Broulee) and Nelligen, Nerrigundah—52 Court days a year, and all occasions ..	12	Nelligen.
Chadwick, Nicholas ..	Balranald ..	17	Balranald.
Challinor, Henry ..	Ipswich, Queensland ..		
Chalmers, James ..	Tarcutta ..		
Chapman, Thomas ..	Kiama ..	17	Kiama.
Chapinan, Frederick William ..	Fredericton, M'Leay River ..	10	West Kempsey.
Charlton, Edward ..	Mudgee ..		
Chatfield, William ..	Goulburn ..	1	Penrith.
Chanvel, Charles George Temple ..	Tabulam ..	1	Campbelltown.
Chauvel, Charles Henry Edward ..	Tabulam ..	18	Bathurst.
Cheeke, Alfred ..	Darling Point ..		
Cheers, James ..	Yarrabandina, M'Leay River ..		
Cheesbrough, Job Webster ..	Armidale ..	1	Bendemeer.
Child, William Knox ..	East Maitland ..		
Chippendale, Thomas ..	Campbelltown ..		
Chisholm, William Alexander ..	Goulburn ..		
Chisholm, John William ..	Mummell, Goulburn ..		
Chisholm, James Kinghorne ..	Gledswood, Camden ..	23	Camden.
Christie, John ..	Murrumbidgee, Dubbo ..		
Church, John George ..	Wagga Wagga ..		
Clarke, Charles James ..	Port Curtis, Queensland ..		
Clarke, George O'Malley ..	Sub Gold Commissioner ..	273	Young.
Clarke, John ..	Kerraberry, Murrumbidgee River ..		

ADMINISTRATION OF JUSTICE.

NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Clarke, Walter	Kerarbury, Wagga Wagga		
Clarke, George Thomas	Penrith	14	Penrith.
Cleghorn, William	Uralla, Rocky River	20	Uralla.
Clements, John Finlater	Summer Hill	6	Bathurst.
Clerk, Edward George	Clerkness, Armidale	5	Merriwa.
Clerk, Arthur	Bundarra	1	Bundarra.
Clifford, Patrick Jeremiah Joseph	Greenland, Maneroo	14	Cooma.
Cloete, Lawrence Peter	Gold Commissioner	50	Young.
Close, Edward Charles, junior	Morpeth	8	East Maitland.
		26	Morpeth.
		4	Wollombi.
Cobcroft, William John	Wollombi		
Cobham, Francis	Swan Hill, Victoria		
Cobham, Richard	Buga Begal, Lachlan River		
Cochrane, James	Columbo Creek, Deniliquin		
Cockburn, John	Coonabarabran	14	Coonabarabran.
Cockburn, Lawrence	Edward River, Moolpar		
Codrington, Alexander	Cooloolia, Warialda		
Cohen, Mosely Moss	Burwood	50	Central Police Office.
		14	Water Police Office.
		95	Central Police Office.
Cohen, Solomon	Armidale	1	Forbes.
		1	Cockatoo Island.
		14	Euston.
		1	Balranald.
		58	Moriya.
		29	Kiama.
Cole, Stephen	C. C. Lands, Lower Darling		
Collett, William Truman	Mungerira, Moruya		
Colley, James	Kiama		
Collins, Alexander Keith	Kimo, Gundagai		
Compigne, Alfred William	Logan River, Queensland		
Comrie, James	Sydney		
Connell, James Joseph	Bathurst	5	Bathurst.
Connolly, Nathaniel, senior	Parramatta	13	Parramatta.
Connolly, Nathaniel, junior	Carcoar	22	Carcoar.
Cook, Thomas	Dungog	55	Central Police Office.
		67	Kiandra.
		32	Central Police Office.
Cooper, Frederick Augustus	Sydney	4	Bundarra.
Cooper, Theophilus	Bundarra		
Cooper, Hon. Daniel	Sydney		
Cooper, Joseph	Gammon Plains, Merriwa		
Cooper, Thomas	Glenmore Road, Sydney	10	Water Police Office.
Cordeaux, William John	Berrima	1	Campbelltown.
		5	Berrima.
Corfield, Henry Cox	District of Wide Bay, Queensland		
Corlette, James	Newcastle	29	Newcastle.
Cornish, Edward Brooking	Dubbo		
Cory, Edward Gostwyck	Paterson	12	Paterson.
Cory, Gilbert	Varney, Paterson	16	Paterson.
Cousins, William	Beri, Molong	1	Stony Creek.
Cousins, Richard Young	Kelso, Bathurst	25	Bathurst.
Cowper, Charles, junior	Chatsbury		
Cowper, John	Clifton, Tenterfield		
Cowper, Hon. Charles	Camden		
Cowper, William	Goomburra, Queensland		
Cowper, Thomas, P.M.	Tenterfield	18	Tenterfield.
Cox, Charles Clarendon	Richmond		
Cox, Richard William	Rawden, Rylstone	5	Penrith.
Cox, George Henry	Mudgee	21	Mudgee.
Cox, Edward	Fern Hill, Mulgoa	2	Penrith.
Cox, Edward King	Mulgoa Cottage, Penrith	24	Rylstone.
Cox, George	Winbourne, Penrith		
Cox, William	Muswellbrook	42	Muswellbrook.
Cox, Alfred	Parramatta		
Cox, Joseph	Tambaroora, Sub Gold Commissioner	6	Windeyer.
		46	Tambaroora.
		3	Hargraves.
Coxen, Charles	Daandine, Dalby, Queensland		
Coxen, Henry William	Darling Downs, Queensland		
Crawford, Thomas	Beechworth, Victoria		
Cribb, Benjamin	Ipswich, Queensland		
Cribb, Robert	Brisbane, Queensland		
Croaker, Charles George	Manning River		
Croft, John	Darling Point, Sydney		
Croker, John	Cundletown		
Crosier, John	Moorna, Murray River	4	Wentworth.
Cross, William	Lansdowne, Manning River		
Crothers, Henry	Wollombi	1	Saint Alban's.
		13	Wollombi.
Cruickshank, Alexander	Murrumbidgey, Dubbo	7	Dubbo.
Crunmer, James Henry	P.M., Maitland	14	Port Macquarie.
		2	Timbarra.
Cullen, Archibald Kennedy	Boonoo Boonoo, Tenterfield	3	Tenterfield.
		52	Central Police Office.
		1	Water Police Office.
Cullen, Thomas	Singleton		
Cummings, Kyran Cornelius	Condobolin		
Cunningham, Andrew	Lonyon, County of Murray	9	Queanbeyan.
Curtis, Robert	Araluen		
Dale, William	Rose Dale, Orange	23	Orange.
Dalley, William Bede	Sydney		
Dalrymple, George Elphinstone	Dalby, Queensland		

ADMINISTRATION OF JUSTICE.

NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Dalton, Frederick	Sub Gold Commissioner, Uralla	50	Uralla.
		1	Armidale.
		3	Saint Alban's.
Dalyell, James Rigg	Carcoar	56	{ Wollombi and M'Donald River.
		6	Wee Waa.
Dangar, Thomas Gordon Gibbins	Drilldool, Wee Waa	1	Wallgett.
Dangar, William John	Neotsfield, Hunter's River	1	Water Police Office.
Daniel, Sylvanus Brown	Wellington	1	Wellington.
		2	Bathurst.
Darby, Sydney Hudson	Bundarra River	4	Bundarra.
Darchy, Thomas	Gilam, Lower Murrumbidgee	1	Balranald.
		3	Hay.
Darcy, John	Bega	3	Bega.
Darley, Benjamin	Sydney	2	Water Police Office.
Darvall, Frederick Orme	Queensland		
Daveney, Charles Bevor	Ipswich, Queensland		
Davidson, Gilbert	Canning Downs, Warwick, Queensland		
Davidson, George James	Yass	20	Yass.
Davidson, Walker Rannie	Kirekonnell	10	Bathurst.
Davis, William	Ginninderra, County of Murray	9	Queanbeyan.
		15	Bega.
Davis, John	Campbelltown	26	Campbelltown.
		5	Yass.
Davison, Robert	Gundagai	12	Gundagai.
Davys, James Edmund	Singleton		
Dawson, Robert Barrington	Hartley		
Dawson, Robert	P.M., Cooma	Daily	Cooma.
		3	Tumut.
Dawson, John	Bega		
Day, Edward Denny	P.M., Port Macquarie	25	Morpeth.
		108	East Maitland.
		58	West Maitland.
Day, Henry	Windsor	69	Windsor.
Day, William	Pymont	50	Central Police Office.
		18	Water Police Office.
Delaney, John	Fish River	26	Hartley.
Deloitte, William Salmon	Sydney	8	Water Police Office.
De Mestre, Prosper	Shoalhaven	2	Nowra.
		4	Numba.
De Mestre, Andre	Shoalhaven	1	Nowra.
		2	Numba.
Denison, Alfred	Deniliquin	2	Deniliquin.
Desailly, Francis	Deniliquin	4	Deniliquin.
Desailly, George Peter	Rosenthal, Warwick, Queensland		
Deuchar, John	Ryde	9	Parramatta.
Devlin, James, junior	Newcastle	7	Newcastle.
Dibbs, George Richard	Tenterfield		
Dickson, James Gordon	Sub Gold Commissioner	11	Braidwood.
Dickson, David	Newtown		
Dickson, David	Newtown, Sydney		
Dickson, James	Albury	10	Albury.
Dight, John	Carrol, Liverpool Plains		
Dight, Arthur	Clifford, Singleton	6	Singleton.
Dight, Samuel Billingsley	Scone	5	Scone.
Docker, Hon. Joseph	Maitland	56	East Maitland.
Dodds, Alexander	Sydney		
Donaldson, Hon. Stuart Alexander	Sydney	1	Water Police Office.
Donovan, Jeremiah	Talgai, Darling Downs, Queensland	3	Liverpool.
Douglass, Edward Octavius	Talgai	19	Tamworth.
Douglass, John	Nundle	54	Nundle.
Douglass, George	Sydney	1	Campbelltown.
Douglass, Hon. Henry Grattan	Sydney		
Dowling, James Sheen	Canningalla, Dungog		
Dowling, Vincent	Fort Bourke		
Dowling, Vincent	Graystones Prospect	17	Camden.
Downes, Jeremiah Frederick	Cooma, Namoi, Wee Waa	1	Wee Waa.
Doyle, Andrew	Wee Waa		
Doyle, Louis Patrick	Midlorn, Maitland	2	West Maitland.
		2	East Maitland.
Doyle, Alfred John	Maitland	1	East Maitland.
Doyle, Francis Matthew		20	West Maitland.
		1	Water Police Office.
Dulhunty, Laurence Vance	Sydney	2	Cowra.
		1	Bathurst.
Dumaresq, Algernon Edward	Glen Innes	14	Glen Innes.
Dumaresq, William	Rose Bay		
Dun, Robert	Deniliquin	1	Moama.
		6	Deniliquin.
Duncan, William Augustine	Brisbane, Queensland		
Dunlop, David Henry	Nanama, Wellington	43	Wellington.
Dunlop, David	Mulla Villa, Wollombi	9	Wollombi.
Durbin, John Henry Scott	C. C. Lands, Tamworth		
Durham, William	Wambo, Singleton		
Dutton, Charles Boydell	Gingingah, Leichhardt, Queensland		
Easton, Frederick Charles	Tarwinaba, Calandoon, Queensland		

ADMINISTRATION OF JUSTICE.

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NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Easton, Henry Edward	Billa Billa, Calandoon, Queensland		
Ebsworth, James Edward	Sydney		
Edwards, John	Wooloomon, Nundle		
Edwards, Charles	Deniliquin		
Egan, Daniel	Sydney		
Egan, John Piper	Sydney		
Eldred, William Henry	Sydney	7	Water Police Office.
Elliott, Gilbert	Queensland		
Elliott, Gilbert William	Yarrowfield, Wellingrove		
Elliott, Thomas U.	Towong, near Tarcutta.		
Elliott, George Robinson	Balmain		
Ellis, Henry	Daandine, Dalby, Queensland.		
Elyard, Alfred	Barellan, Shoalhaven	10	Nowra.
Emanuel, Sydney Levy	Goulburn	12	Numba.
Emmott, George Green	Sub Gold Commissioner, Timbarra Gold Field	4	Goulburn.
Everett, John	Ollera, New England	14	Timbarra.
Ewer, James Garnett	Kiama		
Eyre, John Edward	South Australia		
Faircloth, George	Ipswich, Queensland		
Fairfax, Alfred	Paddington	1	Central Police Office.
Fairs, Charles	Wollongong	26	Wollongong.
Faithfull, Hon. William Pitt	Goulburn	2	Goulburn.
Falder, Robert	Illawarra		
Fallon, James T.	Albury	28	Albury.
Fanning, William	Sydney		
Farnell, James Squire	Ryde	6	Parramatta.
Farrand, William	Bathurst	1	Central Police Office.
		4	Forbes.
		5	Bathurst.
		7	Casino.
Fawcett, Charles Hugh	Richmond River.	1	Ballina.
		4	Lismore.
		1	Water Police Office.
Fearon, Christopher	Parramatta	9	Molong.
Finch, William	Shepherd's Creek, Molong	4	Stony Creek.
Finch, Charles Wray	Wellington		
Finch, Edward John	Molong	8	Molong.
Finniss, Boyle Travers	South Australia		
Firebrace, Edward Bell	Laing's Crossing Place.	2	Balranald.
		1	Deniliquin.
		7	Hay.
		3	Rylstone.
Fitzgerald, Hon. Robert	Windsor		
Fitzgerald, Robert Marsden	Barrister-at-Law, Springfield, Sydney		
Fitzhenry, Bates	Darling Downs, Queensland		
Fitzpatrick, Michael	Captain, Sydney Volunteer Artillery.		
Fitzsimons, Richard Higginson		273	Young, Burrangong.
Fleming, Joseph	Ipswich, Queensland		
Fletcher, Angus	Auburn Vale, Inverell	15	Inverell.
Fletcher, George Butler	Tapis, Lower Darling	1	Euston.
		1	Wentworth.
Fletcher, Dugald Euston	Lower Darling		
Flett, Henry	Taree	2	Cundle Town.
Flood, Edward	Sydney	2	Central Police Office.
Forbes, David	P.M., Sydney		
Forbes, George	Sydney		
Forster, Thomas	Sub Gold Commissioner, Wn. Gold Districts.	85	Gunnedah.
Forster, Thomas	Wagonga, Broulee		
Francis, Grosvenor	Peel	14	Bathurst.
		16	Glen Innes.
Fraser, William Wilberforce	Broomley, Cadogan, Inverell	12	Inverell.
Freeman, William Henry	Rollands Plains, Port Macquarie	39	Port Macquarie.
Fry, Robert Baker	Jamberoo	22	Kiama.
Fulljames, John	Goulburn	12	Goulburn.
Fyans, Foster	Victoria		
Gaden, William Henry	Canooka, Port Curtis, Queensland		
Gaden, Roger Taylor Burton	Nulcumbiddy, Barwan River		
Galbraith, Alexander	Burrandowan		
Galloway, John James	Brisbane, Queensland		
Gannon, Timothy, junior	Moruya		
Gardiner, Frederick	Fish River		
Garland, James	Superintendent, Mounted Police		
Garrard, Henry	Richmond River	20	Casino.
		15	Ballina.
		21	Lismore.
		82	Wollongong.
Garrett, John	P. M., Bourke		
Gaunt, William Henry	P. M., Indigo, Victoria		
Gayer, Robert	Hartwood	3	Deniliquin.
Geary, William Henry	Brisbane, Queensland		
Geary, Edward Montague	Hellidon		
Gennys, John Henn	Carcoar	25	Carcoar.
Gerard, John	Wollongong	4	Wollongong.
Gibson, Thomas Jamieson	Tirrana, Goulburn		
Gibson, Frederick	Bogolong, Lachlan		
Gibson, George Lorimer	Longford, Bendemeer	6	Bendemeer.
Giles, James	Gurrunda, Goulburn	2	Kiandra.
		3	Goulburn.
		2	Lismore.
Girard, Alfred Michael	Branga Park, District New England.	3	Casino.

ADMINISTRATION OF JUSTICE.

NAME.	ADDRESS.	NUMBER OF ATTENDANCES	COURT OF PETTY SESSIONS ATTENDED.
Glass, Robert John	Echuca, Victoria	4	Moama.
Glasson, Richard	Guyong, Orange	3	Orange.
Glasson, John	Bookanan, Bathurst	72	Singleton.
Gleannie, Henry	Singleton		
Glennie, James	Richmond River		
Goldfinch, John Howard	Tienga, Bundarra River		
Gordon, Hugh	New England	12	Wagga Wagga.
Gordon, John	Bonderbo, Wagga Wagga		
Gordon, Samuel Dean	Sydney	6	Wollongong.
Gordon, Henry	Wood Brook, Illawarra		
Gordon, William Pile	Surat, Queensland		
Gore, St. George Richard	Warwick, Queensland		
Gore, Edward	Goulburn		
Gore, Ralph Thomas	Drayton, Queensland		
Gouldesbury, Francis Elphinstone	Sydney		
Graham, Alfred Henry	Goballion, Wellington		
Graham, James Edwin	Sydney	11	Water Police Office.
		16	Nowra.
		3	Numba.
Graham, James	Greenhills, Shoalhaven		
Grahame, William	Dry Plains, Cooma		
Gray, George Johnstone	Leichhardt District, Queensland		
Gray, Charles George	P. M., Ipswich, Queensland	4	Kiama.
Gray, James Mackay	Kiama	1	Kiama.
Gray, Samuel William	Omega Retreat, Jerringong	8	Corowa.
Gray, George	Murray River		
Gray, Walter	Ipswich, Queensland	7	Grafton.
Greaves, William Albert	Braylesford, Grafton	1	Stroud.
Green, Charles Henry	Stroud	1	East Maitland.
Green, Peter	West Maitland	16	West Maitland.
Greenup, Richard, M.D.	Parramatta		
Gregory, Henry Churchman	Palm Tree Creek, Leichhardt District, Queensland		
Grenfell, John	Bugabegal, Lachlan River	24	Forbes.
Grenfell, John Granville .. .. .	.. .. .	4	Kiandra.
Griffin, James Harrop	Gold Commissioner, Tuena Gold Districts	3	Braidwood.
Gummow, Benjamin William	Swan Hill, Victoria		
Gwynne, Francis Anthony	Murgah, Moulamein		
Gwynne, William Augustus	Edward River	12	Wollongong.
Hale, Thomas	Belambi, Wollongong	9	Scone.
Hall, Matthew Henry	Dartbrook, Scone		
Hall, Charles	Queanbeyan	13	Queanbeyan.
Hall, Henry	Queanbeyan	11	Scone.
Hall, Thomas Simpson	Dart Brook		
Halliday, George	Rolland's Plains, Port Macquarie		
Halloran, Arthur Edward	C. C. Lands, Wide Bay, Queensland		
Haly, Charles Robert	Taabinga, Logan River, Queensland		
Haly, William O'Grady	Burnett, Queensland	12	Cooma.
Hamilton, Alexander	Maneroo	16	Wagga Wagga.
Hamilton, Hugh	Lachlan River	7	Goulburn.
Hammoud, Thomas Wardle	Juneo, Wagga Wagga	48	Newcastle.
Hanford, Albert William	Goulburn		
Hannell, James	Newcastle	48	Rylstone.
Hardie, John	Ipswich, Queensland		
Hardwick, John William	Rylstone	3	Armidalet.
Hardy, William	Victoria	11	Gosford.
Hargrave, Edward	Hernani, New England	14	Cooma.
Hargraves, Edward Hammond	Sydney	32	Wollombi.
Harnett, Maurice	Rose Brook, Maneroo		
Harpur, Henry Kidd	Wollombi		
Harpur, Charles	Brisbane, Queensland	45	Gosford.
Harris, George	Brisbane Water		
Harrison, James	Woodstock, Kiama	1	Eden.
Hart, Thomas Frederick	Bega	16	Bega.
Haslington, Edward	Braidwood		Braidwood.
Hassall, Rowland	Bathurst		
Hassall, James Mileham	Kiora	24	Bathurst.
Hawdon, Ernest	Moruya		
Hawdon, William	Bathurst		
Hawkins, Thomas Jarman	Brisbane, Queensland		
Hay, James Leith	Sydney	36	Burrowa.
Hay, Honorable John	Gundagai	32	Queanbeyan.
Hayes, James	Queanbeyan	41	Penrith.
Hayley, William Foxton	Penrith	7	Casino.
Haylock, Thomas Busick	Richmond River		
Hays, Francis Somers	Bombala	31	Gosford.
Helden, George	Brisbane Water		
Hely, Hovenden	Lake Macquarie		
Hely, Edward	Burnett, Queensland	1	Albury.
Herbert, Henry Arthur	Albury		
Herriot, Elliot	Bonshaw, Frazer's Creek, Severn River, Queensland	18	Wollongong.
Hethrington, William Carruthers	Wollongong		
Hewlett, George	Osterley	3	Raymond Terrace.
Hickey, Allan	Osterley		
Hickey, Edwin	Osterley		

ADMINISTRATION OF JUSTICE.

NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Higgins, George Robert	Wallabadah, Liverpool Plains..	6	Central Police Office.
Hill, Edward Smith	Sydney		
Hill, George Snell	Dungog		
Hill, John	Sydney		
Hill, Rowland Brodhurst	Police Magistrate, Grafton	Daily 5	Water Police Office. Grafton. Liverpool.
Hill, Richard	Sydney		
Hill, Honorable George	Sydney		
Hill, Hugh	M'Leay River	10	Water Police Office.
Hindmarsh, Michael	Alne Bank, Gerringong, Illawarra		
Hirst, William Henry	Warra Warra	14	Kiama.
Hodgson, Arthur	Sydney	1	Central Police Office.
Hogg, Thomas	Ashfield	26	Central Police Office.
Hogg, Frederick Metcalfe	Bathurst		
Holmes, Benjamin	Coonargo, Murrumbidgee		
Holmes, Charles Felix	Clarence Town	1	Paterson. Clarence Town.
Holroyd, Arthur Todd	Newtown		
Holt, Honorable Thomas	Newtown	14	
Holt, William Harvey	Kolonglo, Gayndah, Queensland		
Hood, Alexander Charles	Sydney		
Hood, Honorable Thomas Hood	Parramatta	8	Dungog.
Hook, John	Dungog		
Hope, Honorable Louis	Rosalie Plains, Drayton, Queensland..	1	Wollongong.
Hopkins, Richard John	Benares, Illawarra		
Horsbrugh, Boyd	Brisbane Water	1	
Hosking, John	Sydney		
Houghton, Richard	Burnett District, Queensland	133	Goulburn.
Hovell, William Hilton	Goulburn		
Howe, Ephraim	Dapto, Illawarra..		
Howe, James	Liverpool Plains..	3	Muswellbrook.
Howe, John	Liverpool Plains..		
Hughes, Charles	Kobram, Albury	1	Yass. Yass.
Hughes, Robert Maurice	Wahaccan, Edward River		
Hume, Andrew Hamilton	Hume Wood, Yass	1	
Hume, Hamilton	Yass		
Humphreys, William	Wetheron, Gayndah, Queensland	3	
Humphries, Charles Henry	Liverpool Plains..		
Hungerford, Thomas	Beramba	4	Albury.
Hungerford, Emanuel	Maitland		
Hunter, William	Darling Downs, Queensland	17	Merriwa.
Huon, William	Albury		
Hutchings, John B. S.	Coulson's Creek	17	
Hutchinson, F. R.	Widgee Widgee, Wide Bay, Queensland		
Huthwaite, Augustus George Dunstan	C. C. Lands, Warialda	1	Cowra. Carcoar. Bathurst.
Icely, Thomas Rothery..	Carcoar		
Icely, Thomas	Coombing, Carcoar		
Irving, David Maxwell..	Bathurst	15	Dubbo. Bathurst.
Irving, Clark	Sydney		
Irving, David Williamson	Newton, Wollongong	3	West Maitland Wollongong. Forbes.
Isaac, Frederick Nevill..	Sowrie, Darling Downs, Queensland..	Daily from 9 May to 1 June, 1862.	
Jacks, Franklin	Armidale		
Jacob, Alexander Hamilton	Raymond Terrace	63	Armidale.
Jamieson, Hugh..	Mildura, Lower Murray River	94	Raymond Terrace.
Jamison, Robert Thomas	Hornsey Wood, Penrith	2	Wentworth.
Jamison, William Henry	Penrith	2	Penrith.
Jardine, John	Dubbo	1	Picton. Wollongong.
Jebb, Cornelius De Witt	Moulamein		
Jeffreys, Julius	Cumbamurro, Binalong..	1	
Jeffreys, Henry	Murrumbidgee		
Jeffreys, Herbert Castleman	Moomanoomana, Murray River	1	
Jenkin, George	Tamworth		
Jenkins, Richard Lewis	Liverpool Plains	1	
Jenkins, William Warren	Wollongong		
Jobling, George..	Soolowa, Port Macquarie	4	Forbes. Stony Creek.
Johnson, Whittingdale	Sub Commissioner, Stony Creek, Western Gold District		
Johnston, James Bligh	Portland Head	8	Stony Creek.
Johnston, John	Clydesdale	78	Sofala.
Johnstone, Robert	Annandale	34	Windsor.
Johnstone, David	Glamaire	18	Singleton.
Jonas, Emanuel	Wee Waa	12	Gunnedah.
Jones, Honorable David	Sydney	2	Cowra. Bathurst. Bombala.
Jones, Thomas	New-farm, Brisbane, Queensland		
Jones, David Maunder	Benaro, Gayndah, Queensland..	11	
Jones, Jeremiah Linde	Liverpool		
Jones, Auber George	Wagga Wagga	11	
		1	Parramatta. Liverpool.
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ADMINISTRATION OF JUSTICE.

NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Joy, Edward	Newtown	3	Stony Creek.
Kater, Henry Herman	Caleula, Orange	12	Albury.
Keatinge, James Jeffrey	Albury		
Keene, William	Stockton		
Keene, Theophilus Joseph	Reedy Lake, Loddon, Victoria	2	Bathurst.
Keightley, Henry M'Crummin	Sub Gold Commissioner, Louisa Creek	8	Forbes.
		19	Rockley.
		12	Tucana.
		58	Deniliquin.
		27	Moulamein.
		36	Moama.
		3	Albury.
Kelly, John	Deniliquin		
Kemball, Arthur Clark	Brisbane, Queensland	21	Tenterfield.
Kemble, Byron Thomas	Tenterfield	25	West Kempsey.
Kemp, Robert Augustus Haddon	Macleay River	4	Central Police Office.
Kemp, Charles	Sydney	13	Kiama.
Kendall, Thomas	Kiama	5	Ulladulla.
Kendall, John	Ulladulla	4	Bathurst.
Kenna, Daniel	Bathurst		
Kennedy, John	Billabong		
Kennedy, William Francis	Terryboo, Condamine, Queensland	11	Parramatta.
Kenyon, Joseph, junior	Woodlands, Prospect Creek	1	Liverpool.
Keogh, Denis Patrick	Victoria	4	Corowa.
Keon, George Plunkett	Eden	9	Eden.
Ker, Campbell	Kempsey		
Kerr, Andrew	Summer Hill	13	Orange.
Kettle, John Ike	Newtown, Sydney	25	Central Police Office
Keyes, Richard	Shancamore, Cumberland (deceased)	11	Water Police Office.
Keyes, John Hudson	St. Heliars	6	Parramatta.
King, Arthur Septimus	Tamworth	19	Muswellbrook.
King, Harding Gifford	Bega, Eden	2	Panbula.
King, Richd. Napoleon	Booloroo, Warialda	13	Bega.
King, Johnston George	Sub Gold Commissioner	2	Warialda.
King, John	Gipps Land, Victoria	12	Forbes.
King, Philip Gidley	Tamworth	5	Tamworth.
King, William Essington	Gold Commissioner, Southern Gold Fields	3	Nundle.
King, Charles	Victoria		
King, Joseph	Myall Creek		
King, Richard	Gwydir		
Kinghorne, James	Jervis Bay		
Kirkwood, James	Uralla, Rocky River		
Kirkwood, David	Merimbula	1	Panbula.
Kite, James, junior	Orange	8	Bega.
Knox, Hon. Edward	Woolloomooloo		
Labatt, Hugh Rowland	Gragin, Gwydir	6	Warialda.
Lackey, John	Dog-trap Road, Parramatta	13	Parramatta.
Laidlaw, Thomas	Yass	31	Yass.
Laidley, James	Ipswich, Queensland		
Laman, Thomas	Stroud		
Lamb, Walter	Sydney		
Lambe, Frederick Charles	Llangollen, Cassilis	17	Cassilis.
Lamotte, Frederick Charles	Ferringarin, Gayndah		
Lance, Edward	Barwan River	1	Deniliquin.
Landale, Robert	Moulamein	22	Moulamein.
		4	Balranald.
		25	Orange.
Lane, John Tom	Blackman's Swamp	2	Liverpool.
Lane, William Hannibal	Liverpool	10	Orange.
Lane, James Barrett	Rose Hill, Orange	1	Liverpool.
Lang, Andrew	Maitland		
Lang, Gideon	Sydney	2	Balranald.
		8	Hay.
		1	Moulamein.
		1	Deniliquin.
Lang, Thomas	Kangaton, Victoria	11	Hay.
		1	Deniliquin.
		4	Hay.
Lang, William	Mungadal, Wagga Wagga	134	Parramatta.
Langley, George	Coolah, Wellington	44	Grafton.
Lardner, Alfred	Grafton	45	Braidwood.
Larmer, James	Braidwood	18	Singleton.
Larnach, John	Rose Bank, Singleton		
Lavender, William	Swan Hill, District of Murray, Victoria		
Lawless, Clement	Boombigan, Gayndah, Queensland		
Lawless, Paul	Boorbygan, Gayndah, Queensland		
Lawson, William	Prospect		
Lawson, Alexander Robertson	Burnett, Queensland		
Laycock, John Connell	Botany	1	Central Police Office.
Learmonth, Alexander	Yalmar		
Leary, Joseph	Campbelltown	14	Campbelltown.
Le-Capelain, Samuel	Lower Darling		
Lee, Thomas	Bathurst	12	Bathurst.
Lee, William	Claremont, Bathurst	40	Bathurst.

ADMINISTRATION OF JUSTICE.

NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Lee, George	The Lachlan		
Lee, Benjamin, junior	Maitland	{ 7	East Maitland.
Leitch, John	Berry Jerry, Wagga Wagga	58	West Maitland.
Lenahan, Andrew	Sydney	{ 7	Wagga Wagga.
Leslie, Patrick	Sydney	28	Central Police Office.
Le Soeuf, Albert Alexander Cochrane	Victoria	17	Water Police Office.
Lester, Leonard Edward	Condamine River		
Lethbridge, John King	Dunhevid, Penrith	47	Penrith.
Lethbridge, Christopher	Grantham, Gatton		
Lethbridge, George Langworthy	Singleton		
Lethbridge, John	Singleton	21	Singleton.
Lethbridge, Robert Copland	Penrith		
Lette, John Maximus	Yarramalong	3	Kiandra.
Levy, Lewis Wolfe	West Maitland	4	West Maitland.
Levy, Montague	Sydney	{ 1	Cockatoo Island.
Levy, Edward Abraham	Sydney	18	Central Police Office.
Lewes, Henry Sayer	Moirra, Murray River	3	Central Police Office.
Liddell, Andrew	Maitland	{ 3	East Maitland.
Lindeman, Henry John	Gresford	8	West Maitland.
Lindsay, Thomas	Anvill Creek, Maitland	8	Paterson.
Little, Andrew	Brinbenang, Avisford	2	East Maitland.
Little, William	Invermein	17	Scone.
Little, Archibald	Invermein	1	Scone.
Living, John	Port Curtis, Queensland		
Livingstone, John	Gayndah, Queensland		
Lloyd, John	Panbula	{ 4	Eden.
Lloyd, John Charles	Burbugate, Liverpool Plains	19	Panbula.
Lloyd, Charles William	Burbugate, Namoi	17	Gunnedah.
Lloyd, Edward Henry	Burbugate, Liverpool Plains		
Lockhart, Charles George Norman	C. C. Lands, Murrumbidgee	{ 3	Deniliquin.
Loder, Andrew	Murrurundi	3	Hay.
Loder, George Thomas	Singleton	21	Singleton.
Loder, Andrew	Namoi, Liverpool Plains		
Loder, Andrew	Colley Creek, Murrurundi	17	Murrurundi.
Lord, George	Sydney		
Lord, Hon. Francis	Sydney		
Loughnan, Henry Nicholas	Wantebadgerai, Murrumbidgee	{ 8	Hay.
Lowe, James Willard	Bathurst	1	Deniliquin.
Lowe, William	Clarence Town	3	Bathurst.
Lowe, Henry	Bringelly	17	Clarence Town.
Lowe, Robert	Mudgee		
Loxton, Thomas	Muswellbrook	29	Mudgee.
Lucas, John	Redfern, Sydney	44	Muswellbrook.
Lucas, Francis Northam, M.D.	Ipswich, Queensland	2	Central Police Office.
Lumsdaine, Henry	Rockhampton	1	Water Police Office.
Lupton, John	Wagga Wagga	3	Wagga Wagga.
Lydiad, John Henry Stonehouse	Moolpar, Edward River		
Lynch, Robert	Gold Commissioner, Southern Gold Districts, Murrumbidgee	{ 16	Tumnt.
		23	Adelong.
		22	Cowra.
Lynch, Andrew	The Islands, Carcoar	{ 6	Carcoar.
		2	Bathurst.
		65	Young.
Lynch, James Innes			
Lyon, James Carisbrooke	Mount Gambier, South Australia		
Lyons, Samuel	Sydney	{ 3	Central Police Office.
		1	Water Police Office.
Macansh, John Donald	Binalong	{ 5	Binalong.
		1	Burrowa.
Macarthur, Hon. James	Camden	78	Goulburn.
Macarthur, Sir William	Camden	7	Camden.
Macarthur, John	Shoalhaven		
Macarthur, James, junior	P.M., Goulburn		
MacCabe, Francis Peter	Wollongong		
MacDonald, Cheeseborough Claudius	Burnett District, Queensland	5	Wollongong.
MacDonald, Robert Stair Graham	Brocklesby, Murray River	{ 1	Albury.
		2	Corowa.
MacDonald, Donald	Port Macquarie	5	Port Macquarie.
MacDougall, Alexander	Lorn, West Maitland	{ 1	East Maitland
		11	West Maitland.
MacHattie, Thomas Milne	Wellingrove		
MacInnes, Augustus John	Glen Innes	19	Glen Innes.
Mackay, George Edward	Ovens, Victoria		
Mackay, Alexander	Wallandbran Binalong		
Mackay, Patrick	Caninda, Burnett District, Queensland	2	Binalong.
Mackay, James Cruickshank	Wide Bay, Queensland		
Mackay, Alexander Kerr	Comberton, Shoalhaven	{ 17	Nowra.
		6	Numba.
		16	Casino.
Mackellar, Alexander	Richmond River	{ 1	Ballina.
		1	Lismore.
Mackenzie, Robert Ramsay	Brisbane, Queensland		
Mackenzie, John	Poon Boon, Deniliquin	{ 2	Moulamein.
		3	Balranald.

ADMINISTRATION OF JUSTICE.

NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
MacLaurin, Archibald	Deniliquin	5	Deniliquin.
MacLaurin, James	Albury	1	Albury.
Macleay, George	Camden	59	Camden.
MacLeay, William	Sydney		
MacPherson, Donald	Stroud		
Macpherson, Ewan	Parramatta		
Maddrell, Robert	Braidwood	14	Braidwood.
Mair, George	Tooma, Murray River	36	Tumberumba.
Maitland, Edward	Goulburn		
Mallon, Patrick Walsh	Stroud	30	Stroud.
Mandelson, Levi	Tumut	7	Tumut.
Manning, Arthur Willcox	C. C. Lands, Darling Downs, Queensland	15	Nelligen.
Manning, Henry	Nelligen	6	Central Police Office.
Manning, John Edye, junior	Sydney	6	Water Police Office.
Mant, George	Gigoogam, Wide Bay, Queensland		
Markham, George	Armidale	6	Cooma.
Marks, John	Kiama	10	Kiama.
Marks, Moss	Goulburn	104	Goulburn.
Marks, John	Kiama		
Marlay, Edward Fischer	Brindley Park, Merriwa	36	Mudgee.
Marsh, John Milbourne	Yass	44	Dubbo.
Marsh, Francis	Camira, Clarence River	235	Wellington.
Marshall, Robert James	Daisy Bank, Wollongong		
Marshall, Richard Purvis	Callandoon	4	Wollongong.
Marshall, Sampson	Gunderdinda, Callandoon, Queensland		
Marshall, George Cockburn	Gundamaine, Wee Waa	8	Wee Waa.
Martin, Hon. James	Sydney		
Martin, Edward George	Camden		
Martyn, William	Belle-field, Murrurundi	15	Murrurundi.
Massie, Hugh Hamon	C. C. Lands, Maneroo		
Massie, Robert George	Darling Downs, Queensland		
Master, Francis Robert Chester	Brisbane, Queensland		
Master, Henry	Sydney	62	Tamworth.
Maxwell, Alexander Charles	Sydney		
Maxwell, John	Wellington		
Mayne, William Colburn	Sydney	1	Central Police Office.
M'Arthur, Alexander	Sydney		
M'Arthur, John	Warra Warra, Darling Downs, Queensland	6	Queanbeyan.
M'Carthy, William Ralph	Queanbeyan	28	Penrith.
M'Carty, James	Cranebrook, Penrith	4	Nelligen.
M'Cawley, James	Moruya		
M'Colin, Thomas	Manore		
M'Cormick, James	Clevedon, Allyn River	7	Paterson.
M'Crae, Andrew Morrison	Victoria		
M'Donald, Charles Edward Stewart	Caliguel, Queensland		
M'Donald, Allan Ronald	Mount Broughton		
M'Donald, James William	Koorenga, South Australia	10	Bathurst.
M'Donough, Patrick	Bathurst	65	Singleton.
M'Douall, John Crichton Stuart	Singleton		
M'Douall, Hastings	Waratah, Newcastle	4	Warialda.
M'Douall, Rawdon	Ullumbarella, Gwydir	8	Parramatta.
M'Dougall, Andrew Louis	Baulkham Hills		
M'Dougall, John Frederick	Brisbane, Queensland		
M'Dougall, Cyrus Alexander	Glenarvon		
M'Dougall, Bruce	Ermington, Clarence River		
M'Dougall, Andrew	Kelso-place, Singleton	32	Singleton.
M'Dougall, Donald Norris	Texas, Severn River		
M'Dougall, Malcolm Septimus	Ermington, Clarence River		
M'Farlane, James	Goulburn		
M'Gregor, William	Bega	3	Bombala.
		3	Bega.
		2	Forbes.
M'Guigan, John Bede	Bathurst	8	Bathurst.
		1	Cowra.
		12	Bathurst.
M'Hattie, Richard	Bathurst		
M'Intyre, Donald	Kynga	6	Dungog.
M'Kay, George	Dungog	38	Orange.
M'Kellar, John	Jinglemoney, Braidwood	18	Braidwood.
		12	Nowra.
M'Kenzie, Kenneth	Bandanoon, Shoalhaven	13	Numba.
		4	Moruya.
M'Keon, John	Moruya	1	Bombala.
M'Ketchie, Andrew Agnew	Mount Cooper, Maneroo	10	Nimitybelle.
		8	Dubbo.
M'Killop, Duncan	Wambangelong		
M'Kinnon, Charles Farquhar	Moolpar, Edward River		
		1	Windeyer.
		4	Forbes.
M'Lean, Harold	Gold Commissioner, Western Gold Districts	13	Bathurst.
		10	Sofala.
		8	Sofala.
M'Lean, John	Sydney		
M'Lean, Morduant	Victoria		
M'Lean, George Robertson	Capertee, Rylstone	3	Rylstone.
M'Leay, Alexander Donald	Kevathury, Wagga Wagga		
M'Leod, Donald	Gundaroo	1	Queanbeyan.
M'Leod, Magnus	Victoria		
M'Leod, Donald	Moruya		

ADMINISTRATION OF JUSTICE.

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NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
M'Levie, John	Sydney, Inspector General of Police .. .	1	West Maitland.
M'Levie, John Aitchison .. .	Assistant Superintendent, Southern Road } Patrol		
M'Namara, Honorable John .. .	Sydney		
M'Neill, Alexander	Yanco, Wagga Wagga		
M'Phillamy, John	Mount Tamar, Bathurst	22	Bathurst.
M'Phillamy, Charles	Bathurst	6	Rockley.
M'Phillamy, Robert	Bathurst	4	Bathurst.
M'Quade, William	Windsor	5	Bathurst.
M'Rae, Christopher	Parramatta		
Mein, George Augustus	Moolpar, Moulamein	13	Parramatta.
Merewether, Edward Christopher .. .	Sydney	5	Moulamein.
Merewether, Hon. Francis Lewis Shaw	Sydney	1	Hay.
Merryweather, John Windsor Collins	Cooma		
Meston, Robert	New England	75	Cooma.
Metcalfe, Michael	Sydney	1	Glen Innes.
Meyers, Solomon	Carcoar	1	Tenterfield.
Meynink, Gerrit Johaunes	Sub Gold Commissioner	9	Water Police Office.
Middleton, Charles Robert	Hinton	36	Carcoar.
Middleton, Osman Edward	Phoenix Park, Morpeth	10	Adelong.
Miller, Kenneth	Molong	4	Tumut.
Mitchell, Hon. James	Sydney	2	Gundagai.
Mitchell, Archibald	Newtown, Sydney	1	East Maitland.
Mitchell, Francis	Sydney	1	West Maitland.
Mitchell, William Thomas	Maitland	11	Morpeth.
Moffatt, Thomas de Lacy	Darling Downs	1	East Maitland.
Moffitt, Samuel	Frazer's Creek		
Moles, William	Shellharbour	4	East Maitland.
Montagu, Alexander	Cooma	35	West Maitland.
Moore, John	Brisbane Water		
Moore, Samuel	Liverpool	15	Kiama.
Moreton, Hon. Berkely Basil	Wetheron, Gayudah, Queensland .. .	66	Cooma.
Morey, Edmund	Lower Darling	1	Parramatta.
Morgan, Allan Bradley	Wagga Wagga	61	Liverpool.
Moriarty, Abram Orpen	C. C. Lands, Armidale	1	Euston.
Moriarty, Merion Marshall	C. C. Lands, Armidale		
Morison, Thomas Coutts	Deniliquin	1	Central Police Office.
Morissett, Edric Norfolk Vaux .. .	Deniliquin		
Morphy, John	Beechworth, Victoria		
Morrice, John	Berrima	21	Berrima.
Morris, Augustus	Victoria	5	Balranald.
Morris, William	Tamworth	1	Walcha.
Morse, Henry	Bundarra River, New England .. .		
Morse, George	Abingdon		
Mort, Henry	Sydney		
Mosely, James	Wee Waa	3	Wee Waa.
Moses, Moses	Sydney		
Mossman, Archibald	Armidale, New England		
Murnin, Michael Egan	Glebe, near Sydney	1	Water Police Office.
Murphy, Washington	Beechworth, Victoria		
Murphy, Francis	Tarrawingee, Ovens River, Victoria ..		
Murphy, William	Wagga Wagga		
Murphy, John	Sub Gold Commissioner	8	Tambaroora.
Murphy, James	Sydney	2	Windeyer.
Murray, John	Lieutenant Native Police, Port Curtis and } Leichhardt Districts, Queensland.. }	66	Central Police Office.
Murray, Patrick John	Eden, P.M.	Daily	[Bega or Panbula.
		12	Eden, when not at
		19	Bega.
			Panbula.
Mylne, Graham	Eston's Will, Grafton		
Neale, John Thomas	Sydney		
Neale, John	Parramatta	56	Parramatta.
Newcombe, Charles Edwin	Goulburn	300	Queanbeyan.
Newcomen, Henry	Barwin	2	Wallgett.
Newland, Richard Francis	South Australia		
Nicholls, Thomas	Stroud	25	Stroud.
Nicholson, John, junior	Maneroo	5	Bombala.
Nicholson, Henry Albert	Maneroo	9	Bombala.
Nicholson, Charles Lindesay	Sutton Forest, Berrima	30	Berrima.
Nicoll, Francis	Sub-Lieutenant Native Police, Queensland ..		
North, Edward James Campbell .. .	King's Plains, Carcoar	24	Carcoar.
North, Joseph	Ipswich, Moreton Bay, Queensland .. .		
North, Samuel	Water Police Magistrate, Sydney .. .	5	Water Police Office.
		2	Cockatoo Island.
			Water Police Office.
North, William	Ipswich, Moreton Bay, Queensland .. .		
Norton, John Oxley	Kanimbla, Hartley	25	Hartley.
Nott, Randolph	Sydney		
Nunn, William John	Brisbane Water	21	Gosford.

ADMINISTRATION OF JUSTICE.

NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Nowlan, John	Hunter's Hill, Maitland		
Oakes, George	Parramatta		
Oakes, Rowland Hassall	Crookwell		
Oakes, Francis	Goulburn	50	Parramatta.
Oakes, John	Binda	3	Berrima.
Oatley, James	Sydney	64	Central Police Office.
O'Brien, Cornelius	Binalong	4	Water Police Office.
O'Brien, Henry	Douro, Yass	5	Binalong.
O'Connell, Maurice Charles	C. C. Lands, Port Curtis, Queensland		
O'Connell, William Bligh John	Mondur, Burnett River, Queensland		
O'Connor, Morgan	Yass	10	Yass.
Ogilvie, Christian	Billabong, Lachlan River		
O'Halloran, Thomas Shouldham	South Australia		
Orr, Ebenezer	Coonabarabran		
Orr, James	Coonabarabran		
Osborne, John Alexander	Duralong, Gosford	17	Gosford.
Osborne, William	Garden Vale, Wollongong	1	Wollongong.
Osborne, Patrick	Brooking, Wagga Wagga		
Osborne, Henry	Buckaginga Creek, Murrumbidgee, Albury	1	Albury.
Osborne, James, junior	Yanko Creek, Albury	1	Albury.
O'Sullivan, Silvester	Cudgeligo, Lachlan		
Ottley, Richard Byam	Gwydir River		
Owen, Robert .. .. .	.. .. .	
Oxley, Henry Molesworth	Wingecarribee, Berrima	1	Berrima.
Oxley, John Norton	Kirkham, Camden	6	Camden.
Palmer, Edward	Ellerslie, Camden	21	Camden.
Palmer, William Hall	P. M., Bathurst	2	Carcoar.
Palmer, Edward Fielding	Maryborough, Queensland	236	Bathurst.
Palmer, Pemberton Campbell	Queanbeyan	2	Queanbeyan.
Palmer, Henry	Maryborough, Queensland		
Panton, John	Ipswich, Queensland		
Panton, Frederick Goulburn	M'Leay River	13	West Kempsey.
Park, Edwin	Bathurst		
Park, Alexander	Gresford, Paterson		
Park, Robert	Lewis Creek, Paterson	3	Paterson.
Parker, Hon. Henry Watson	Clovelly, Watson's Bay		
Parnall, Edward	Carrington Park, Durham	20	Singleton.
Parnell, Thomas	Namoi River	25	Gunnedah.
Parnell, Charles	Boree, Barwan River		
Parsons, Edward Belar	Coonabarabran	17	Coonabarabran.
Pasco, Crawford D.	Swan Hill, Victoria		
Paterson, Andrew Boyle	Binalong		
Patterson, John	Illalong, Binalong	22	Binalong.
Payne, Francis John	Berrima	5	Molong.
Pearce, Joseph Ede	Maitland	1	Saint Alban's.
		15	Wollombi and M'Donald.
		2	West Maitland.
		2	Cockatoo Island.
		112	Central Police Office.
		3	Water Police Office.
Peden, David	Newtown, Sydney		
Peers, Joseph	Warialda		
Peisley, John	Orange	104	Orange.
Pemell, James	Balmain		
Peppin, George	Wanganella, Deniliquin	1	Moulamein.
Perrott, Robert Issell	Meadow Bank, Jamberoo	8	Deniliquin.
Perry, Thomas Augustus	Bendemeer, New England	3	Armidale.
Perry, George Murray	C. C. Lands, Albert District	27	Bendemeer.
Peter, John	Gumly Gumly, Wagga Wagga	1	Walcha.
Petrie, John	Mayor of Brisbane, Queensland	8	Wentworth.
Phelps, Joseph James	Windomal, Balranald		
Phillips, John	Edward River	1	Moama.
Phillips, Alfred William	Bona Vista, Williams River	19	Deniliquin.
Pickering, William Tyringham	New England		
Pigot, Peter	Gayndah, Queensland		
Pike, John	Merton		
Pinnock, Philip	Tareela, Banaba		
Piper, William	Bathurst	10	Bathurst.
Pitt, George Matchman	Richmond		
Plunkett, Patrick	Police Magistrate, Goulburn	47	Goulburn.
Porter, Charles Edward	Caval, Grafton		
Pottinger, Sir Frederick Wm., Bart. {	Assistant Superintendent, Southern Road	20	Forbes.
	Patrol	3	Queanbeyan.
Powell, Nathaniel Stephen	Queanbeyan	37	Windsor.
Powell, Edward	Richmond		
Powlett, Frederick Armond	Victoria		
Price, Matthew	Acting Inspector of Police, Ovens Gold Fields, Victoria		
Prince, Henry	Sydney		
Prior, Thomas Lodge Murray	Ipswich, Queensland		
Purefoy, William Alexander		
Radford, John Robt.	Yarrowford		

ADMINISTRATION OF JUSTICE.

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NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Rae, John	Sydney		
Raff, George	Brisbane, Queensland		
Raine, Edmund William Worsley	Frederick's Valley, Orange	1	Orange.
Ramsay, Robert	Darling Downs, Queensland		
Ramsay, John Bonar Peter	Canoonah, Queensland		
Ramsay, David, junior	The Lachlan		
Ranclaud, Charles Boscawen	Newcastle	29	Newcastle.
Randell, Elliott Charles	Hay		
Ranken, George	Bathurst		
Ranken, John	Ipswich, Queensland		
Rankin, William Boswell	Bathurst	6	Bathurst.
Rankin, James	The Lachlan		
Raper, Edward	Newtown, Sydney	13	Central Police Office.
Ratray, George	Cowra, Lachlan, and Sydney	12	Water Police Office.
Rawson, William	Marouan, Wellingrove		
Ray, Tom	Glebe		
Ray, Briscoe	Clarence River		
Raymond, Robert Peel	Sydney		
Reddall, Thomas Alexander	Kiama		
Redhead, Ernest William	Molroy, Warialda	14	Warialda.
Rees, George	Sydney		
Reid, David	Albury		
Reid, James Blain	Maryborough, Queensland		
Reynolds, Charles	Tocal, Paterson		
Richards, James Byrne	Bathurst	2	Bathurst.
Richardson, John	Sydney		
Ritchie, Robert	Ulladulla	1	Ulladulla.
		1	Panbula.
		10	Bega.
Rickards, Henry	Wellington		
Ridge, Richard	Windsor		
Rigney, James	Singleton	23	Singleton.
Riley, James John	Glenmore, Penrith	44	Penrith.
Riley, Alexander Raby	Clifton, Tenterfield		
Robb, James	Riversdale, Kiama	19	Kiama.
Roberts, Thomas	Braidwood		
Roberts, Richard Hutchinson	Berrima	11	Berrima.
Robertson, John	Yarrundi, Scone		
Robertson, James Brand Ritchie	Moor Park House, Morpeth	4	East Maitland.
		24	Morpeth.
Robertson, William	Lanark Lodge, Grafton	28	Twenty-eight.
Robertson, Robert Reid Cunningham	Wellington Vale, Glen Innes, New England	11	Glen Innes.
Robey, Ralph Mayer	Sydney		
Robison, Hugh	Molong		
Roche, Frederick William	Dalby, Queensland		
Rodd, John Savery	Parramatta	8	Parramatta.
Rodd, Robert Adamson	Tremayne, Singleton	23	Singleton.
Rogers, William	Chinsella, Queensland		
Rolleston, Christopher	Sydney		
Ronald, Rowand	Sydney	7	Cockatoo Island.
		123	Central Police Office.
		30	Water Police Office.
Roper, John	Albury	48	Albury.
Rose, Alfred Cyrus Spencer	P.M., Gundagai	286	Gundagai.
Rose, Henry	Mount Gilead, Campbelltown	37	Campbelltown.
Ross, James Halden	Procester and Barney Downs, New England	1	Tenterfield.
Ross, John	Tenterfield	16	Central Police Office.
Ross, Robert Scott	Sydney	36	Central Police Office.
		1	Water Police Office.
Ross, William	Meilmane, Lower Darling	4	Balranald.
Ross, Andrew, M.D.	Molong	37	Molong.
Rothery, William Montague	Carcoar	3	Carcoar Bench.
Rotton, Henry	Blackdown	3	Bathurst.
Rountree, Thomas Stephenson	Balmain	8	Central Police Office.
		3	Water Police Office.
		5	Mudgee.
Rouse, George	Mudgee		
Rowley, George Henry	Sydney		
Royds, Charles James	Juanda, Dawson River, Queensland		
Royds, Edmund Molyneaux	Juanda, Dawson River, Queensland		
Rudder, Enoch	Woodville, M'Leay River	13	West Kempsey.
Rusden, Francis Townsend	Gwydir		
Russell, William	Regentville, Penrith	1	Penrith.
Russell, Bourne	Maitland	1	West Maitland.
Rutledge, Thomas	Queanbeyan	12	Queanbeyan.
Ryan, David	Wee Waa		
Ryan, Edward Michael	Waterview, Clarence River		
Ryan, John Nagel	Binalong	1	Binalong.
		7	Burrows.
		33	Hartley.
Rygate, Robert	Hartley		
Ryrie, Stewart	Maneroo		
Ryrie, John	Euromeeaha, Dubbo	5	Dubbo.
Ryrie, Donald	Maneroo		
Sadleir, Richard	Newtown	8	Water Police Office.
Salway, Herbert	St. Leonard's, New England		
Samuel, Lewis	Sydney		
Samuel, Saul	Bathurst		
Sandeman, Gordon	Sydney		
Sayers, Edwin Mawney	St. Leonard's		

ADMINISTRATION OF JUSTICE.

NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Scarvell, Sydney	Windsor	31	Windsor.
Scott, David Charles Frederick	Sydney	34	Cockatoo Island.
Scott, Edward Bate	Worundee, South Australia		
Scott, Helenus	P.M., Wollombi	4	Raymond Terrace.
		280	Newcastle.
Scott, John	{ Palm-tree Creek, Leichhardt District, Queens- land	9	East Maitland.
Scott, Walter	{ Illalong, Hinton	2	Bendemeer.
Scott, John	{ Maitland	9	East Maitland.
		21	West Maitland.
Scott, Lyall	{ Brisbane Water	29	Gosford.
Scott, Alexander Walker	{ Ash Island, Newcastle		
Scott, James Hall	{ Retreat, Callandoon, Queensland		
Scott, Lawrence Hartshorn	{ Superintendent, Mounted Patrol and Gold Police, North Road	30	Armidale.
		1	Glen Innes.
		1	Walcha.
		43	Windeyer.
Scott, James Houghton Langston	{ Sub Gold Commissioner	6	Stony Creek.
		35	Hargraves.
		155	Tamworth.
Scott, Walter	Tamworth		
Seaver, Charles	Newcastle	6	Ulladulla.
Seccombe, Roger	Ulladulla		
Serisier, Jean Emile	Dubbo	13	Dubbo.
Serocold, George Pearce	Dawson River, Queensland		
Shadforth, Henry Tudor	Mulgoa	1	Water Police Office.
Sharp, James Burleigh	Gundagai	10	Adelong.
Sharp, Edward	Wellington	2	Warialda.
Sheaffe, Percy Hale	Ulladulla	8	Ulladulla.
		7	Parramatta.
Shepherd, Isaac	{ Binda	4	Central Police Office.
		6	Penrith.
Shepherd, Thomas William	Chatsworth, Penrith		
Shepherd, Patrick Lindesay Crawford	Captain, N. S. W. Volunteer Artillery		
Sheridan, Richard Bingham	Moreton Bay, Queensland		
Sherwin, John	Round Hill, Billyong, Albury	1	Corowa.
		7	Deniliquin.
		1	Moulamein.
Sheill, Henry	P.M., Deniliquin	15	Bahranald.
		83	Hay.
		15	Central Police Office.
Shoobert, James	Illawarra	15	Water Police Office.
		26	Molong.
Sibthorpe, Luke Homan	C. C. Lands, Wellington	8	Stony Creek.
		1	Penrith.
Sidey, Charles	Hartley	1	Hartley.
		3	Parramatta.
Simpson, Percy	Parramatta	12	Warialda.
Simpson, Robert Percy	Warialda		
Simpson, Stephen	Moreton Bay, Queensland		
Simpson, John	Port Macquarie	41	Port Macquarie.
Simpson, John McNeill	Warialda		
Sinclair, Charles Alexander	P.M., Tumut		
Single, John	Penrith		
Single, Joseph Daniel	Gwydir	32	Penrith.
Single, John	Maitland	1	East Maitland.
Skinner, Thomas	Darling Point, Sydney	1	Water Police Office.
Small, William, junior	Grafton	6	Grafton.
Smart, Thomas Ware	Sydney		
Smith, Charles Throsby	Wollongong	17	Wollongong.
Smith, Francis	Cooleringdong, Cooma		
Smith, John	Gamboolo, Molong	37	Molong.
Smith, John Thomas	Victoria		
Smith, Jones Agnew	Morpeth	1	Paterson.
Smith, Richard Joseph	Ipswich, Queensland		
Smith, Charles Ferdinand Hamilton	Maitland	1	East Maitland.
		1	West Maitland.
Smith, Samuel	Sydney	1	Rockley.
Smith, William Kempton	Gundagai	1	Gundagai.
Smith, James	P.M., Scone	241	Scone.
		13	Muswellbrook.
Smith, Charles Edward	Queanbeyan (C.P.S. appointed P.M.)	Daily, except when absent at Walgett.	
		6	Walgett.
Smith, Cyrus Edmund	Urana		
Smith, George	Sydney	5	Central Police Office.
		1	Water Police Office.
Smith, Thomas Hawkins	Tabulam		
Smith, Robert Wilkin	Inderraway, Gayndah, Queensland		
Smith, Henry Arkill	Mulgunnia, Tuena	1	Bathurst.
Smithers, John Baker	Surry Hills, Sydney	32	Central Police Office.
		20	Water Police Office.
		2	Eden.
Solomon, Solomon	Eden	17	Bombala.
Solomons, Henry	Bombala		
Spain, Hon. William	Sydney		
Speer, William	Sydney	11	Central Police Office.
Spence, Edward Jones	Tambaroora		
Spence, Thomas	Sydney	27	Central Police Office.
		21	Water Police Office.
Spencer, Charles	M'Leay River	14	West Kempsey.

ADMINISTRATION OF JUSTICE.

NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Stacey, John Edward	Parramatta	8	Parramatta.
Steel, Watson Augustus	Sydney	4	Rockley.
Steel, Watson Augustus, junior	Rockley		
Stephens, Thomas Blackett	Brisbane, Queensland	10	Braidwood.
Stewart, George	Victoria		
Stewart, Thomas	Braidwood	29	Wollongong.
Stewart, John	Wollongong	1	Bathurst.
Stirling, John	St. Leonard's		
Strachan, Frederick	Bathurst	5	Moama.
Strathdee, Robert	Coranga		
Street, Philip Wood	Condobolin	13	Central Police Office.
Strutt, Charles Edward	P.M., Echuca, Victoria		
Stuart, Alexander	Sydney	17	Parramatta.
Sturt, Charles	South Australia	5	Sofala.
Sturt, Elvin Pitfield Shirley	Victoria	3	Bathurst.
Sutherland, John	Sydney	27	Campbelltown.
Suttor, George Banks	Baulkham Hills		
Suttor, John Bligh	Wyagden Park, Bathurst	4	Walcha.
Suttor, William Henry	Bruceedale, Bathurst		
Suttor, William Henry, junior	Condobolin	1	Armidale.
Tabor, George	Campbelltown	14	Braidwood.
Taylor, James	Myall Creek, Drayton, Queensland	15	Orange.
Taylor, William	Murrumbidgee		
Taylor, William Tydd	New England	2	Dubbo.
Taylor, Joseph	Little Boinbay, Braidwood	16	Wollongong.
Templar, Edward Merson	New Zealand	1	Numba.
Templar, John Arthur	Narrambla, Orange		
Thomas, Alfred Cayley	Dyke Head, Gayndah, Queensland	1	Goulburn.
Thompson, Andrew	Dapto	1	Water Police Office.
Thomson, Archibald M'Murdo	Gayndah, Queensland		
Thomson, James	Shoalhaven	1	Dubbo.
Thorn, George Henry	Brisbane Grove, Goulburn		
Thorne, George	Sydney	61	Wellington.
Thornton, George	Sydney		
Thornton, George	Sydney	1	Dubbo.
Thornton, William	Brisbane, Queensland		
Throsby, Charles	Glenfield, Liverpool	1	Wellington.
Tibbetts, Walter Hugh	Dubbo	8	Orange.
Tindall, Charles Grant	Ramornie, Clarence River		
Tom, Henry	Bulligal	7	Cassilis.
Tom, William, senior	Springdale, Orange		
Towns, Honorable Robert	Sydney	11	Windsor.
Traill, Rowland John	Collaroy, Cassilis		
Tuckerman, Stephen	Sackville Reach	1	Moulamein.
Tully, George	Newcastle		
Turner, William	Beechworth, Victoria	10	Deniliquin.
Turner, Henry Alexander	Gurrunda, Goulburn		
Turner, William	Hellidon, Queensland	8	Moulamein.
Tyson, John	Deniliquin		
Uhr, Edward Blucher	Wide Bay, Queensland	17	Sofala.
Valiant, Frederick	Moulamein		
Vardy, John, junior	Mountain Creek Station, Murrumbidgee, Albury	27	West Maitland.
Vevers, Richard	Liverpool Plains		
Vindin, Henry	Maitland	27	West Maitland.
Vindin, George	Maitland	1	Goulburn.
Voss, Houlton Harris	Goulburn	83	Tumut.
Vyner, Arthur .. .. .	.. .. .	
Waddington, James	Greenhills, Shoalhaven	2	Numba.
Walford, Joseph	Sofala	4	Sofala.
Walker, Robert George	Sub-Lieutenant, Native Police, Port Curtis and Leichhardt Districts, Queensland		
Walker, Archibald	Sydney	7	Grafton.
Walker, Charles James	Clarence River		
Walker, Critchett	Inspector of Police	4	Wagga Wagga.
Walker, James Charles	Cocketgedong, Billybong		
Wallace, Hugh	Nithsdale, Braidwood	7	Braidwood.
Walsh, William Henry	Degilba, Wide Bay, Queensland	6	Ulladulla.
Warburton, Peter Egerton	Commissioner of Police, South Australia		
Warburton, George	Sydney (P.M., Mudgee)	4	Ulladulla.
Warden, David	Ulladulla		
Warden, James	Ulladulla	83	Wollongong.
Waring, George	Wollongong		
Warne, John	M'Leay River	38	M'Leay River (West Kempsey).
Warren, Honorable Alexander	Seaham		
Wason, W. H.	Ulladulla	6	Ulladulla.
Watson, Andrew	Penola, South Australia		
Watson, Sydney Grandison	Tarcutta	1	Cowra.
Watson, John Benton	Liverpool		
Watt, William Redfern	Bombaldry, Cowra	7	Coonabarabran.
Watt, David	Glenco, Murrurundi		
Watt, Alexander	Esrom, Bathurst	7	Coonabarabran.
Watts, John	Eton Vale, Drayton, Queensland		
Wauch, Robert Andrew	M'Leay River	7	Coonabarabran.

NAME.	ADDRESS.	NUMBER OF ATTENDANCES.	COURT OF PETTY SESSIONS ATTENDED.
Waugh, David Lindesay	Jamberoo	18	Kiama.
Waugh, Robert	Goulburn	8	Goulburn.
Waugh, Robert	Manning River		
Weaver, Charles Thomas	Gundagai (appointed P.M., Armidale)	Daily, except on duty at Walcha and Bendemeer	Armidale.
		11	Bendemeer.
		12	Walcha.
Weaver, Henry	Merriwa	4	Merriwa.
Weaver, Richard	Scone		
Webb, George Dudley	Brisbane, Queensland		
Weekes, Elias Carpenter	Sydney		
Welman, John Cameron	Binalong	1	Borrowa.
West, Joseph, junior	Macquarie Plains, Bathurst	3	Cowra.
		13	Bathurst.
West, Joseph (tertius)	Omay, Lachlan	65	Bathurst.
West, Thomas Henry	Cudgelong, Cowra	12	Cowra.
Whalan, Charles	Fish River	2	Bathurst.
White, Francis	Beltres, Scone	4	Scone.
White, George Boyle	Singleton	2	East Maitland.
		50	West Maitland.
White, James	Edinglassie, Muswellbrook	9	Muswellbrook.
White, James Charles	Stroud		
White, James	Muswellbrook		
White, William Duckett	Logan River, Queensland		
White, Frederick Robert	Murrurundi	17	Murrurundi.
Whitty, Henry			
Wickham, John Clements	Queensland		
Wienholt, Arnold	Mary Vale, Warwick, Queensland		
Wightman, Alexander	Murrurundi		
Wildash, Charles Cobb	Arkstone Forest		
Williams, John George Llewellyn	Yass		
Williams, John	Sydney	22	Central Police Office.
Williams, John	Sydney	33	Water Police Office.
Williamson, James	Sydney		
Wills, Alfred Currie	Omeo, Victoria		
Wilshire, Austin Forrest	Sydney		
Wilshire, Frederick Robertson	Inspector of Police	5	Braidwood.
Wilshire, Joseph Wood	Garden Hill, Wollongong	18	Wollongong.
Wilson, James	Victoria		
Wilson, Felix	Newtown		
Wilson, John Kerr	Wambo, Queensland		
Wilson, William	Richmond River		
Wilson, Robert Kerr	Dalby, Queensland		
Wilson, Thomas George	Aberaldie, Walcha		
Wilson, John Bowie	Braidwood		
Windeyer, Archibald	Raymond Terrace	10	Raymond Terrace.
Windeyer, Walter Orton	Wantabadgery, Wagga Wagga	7	Wagga Wagga.
Windeyer, John	Raymond Terrace	12	Raymond Terrace.
Wingate, Thomas	Sydney	2	Water Police Office.
Wisdom, Robert	Sydney	2	Morpheth.
Wise, George Foster	Bathurst	1	Bathurst.
Wiseman, W. H.	C. C. Lands, Leichhardt, Queensland		
Wood, Arthur Francis	Sydney		
Wood, Walter	Deniliquin		
Woodriffe, Daniel James	Parramatta	6	Parramatta.
Wren, Henry	Eden	14	Bega.
Wright, Philip Wentworth	Murrurundi	27	Murrurundi.
Wright, William Henry	Victoria		
Wright, James	Wollongong		
Wright, William	Hunter's Hill		
Wright, John James	Queanbeyan	22	Queanbeyan.
Wyndham, Alward	Dalwood, Hunter's River	1	Inverell.
		1	West Maitland.
Wyndham, George, junior	Dalwood, Hunter's River		
Wyndham, George	Dalwood	1	West Maitland.
Wyndham, Francis	Buckalla	9	Warialda.
Yaldwin, William Henry	Taroom, Queensland		
Youl, Richard, M.D.	Melbourne, Victoria		
Young, Walter B.	Tarcutta		
Zouch, Henry	Superintendent Mounted Patrol, Southern District, Goulburn	3	Goulburn.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(REMARKS REPORTED TO HAVE BEEN MADE BY THE SECRETARY FOR LANDS,
REGARDING.)

Ordered by the Legislative Assembly to be Printed, 12 August, 1863.

RETURN to an Address of the Honorable the Legislative Assembly of New South Wales, dated 11 August, 1863, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“Copies of any Correspondence between the Executive Government and the Judges of the Supreme Court, relative to certain remarks reported to have been made by the Secretary for Lands, regarding the Administration of Justice.”

(*Mr. Morris.*)

ADMINISTRATION OF JUSTICE.

THE JUDGES OF THE SUPREME COURT to COLONIAL SECRETARY.

Supreme Court,
25 May, 1863.

SIR,

We request your attention to a report in the *Empire* newspaper, of Friday last, of a speech made by your colleague, Mr. Robertson, at a public dinner, on Wednesday, at Shoalhaven, the whole tenor of which is an attack upon the character of the Chief Justice, and on the administration of justice in the Supreme Court.

The circumstances out of which that speech appears to have arisen, but which Mr. Robertson has misunderstood, are simply these:—In delivering the judgment of the Court, in a case recently before it judicially for decision, the Chief Justice followed the usual course of recapitulating the facts in evidence, which exhibited great oppression and recklessness in the respondent; and, in disposing of the several points, mentioned a doubt that had occurred to one of his colleagues, on the construction of the Impounding Act. The doubt was as to the power of a purchaser of land from the Crown, before acquiring a legal title, to impound cattle under that Act, such land not being within the definition therein given.

With that question no portion of the Lands Alienation Act had anything to do, and neither the merits nor the objects of that Act were mentioned or alluded to in the judgment. The case, indeed, was put as an exceptional one, not contemplated probably by the Act. The Court doubted, in fact, upon the evidence, whether the purchase by Mrs. Maine was within it; but, assuming that it was so, disposed of the case against her, on the ground that a married woman could not, in her own name and right, impound cattle.

Persons out of doors, however, it appears, have taken advantage of the facts stated in the judgment, to dwell on them, as illustrating what they consider the evils of the Alienation Act; whereas there were circumstances connected with the purchase, it is said, which materially alter its supposed character. Mr. Robertson, therefore, erroneously supposing that these circumstances were before the Court, and mistaking wholly the nature of the Chief Justice's observations, has thought fit to make his judgment the object of insulting and most offensive censure. And, as if that were not enough, he has done his utmost, by representing the decisions of the Supreme Court generally as worthless, to bring the administration of justice by it into contempt.

We submit to you, as the head of Her Majesty's Executive in this Colony, that even where a Judge's observations are ill-founded, it is most unbecoming in a Minister of the Crown thus to comment on and denounce them before a public and mixed assembly. The insinuations and language of Mr. Robertson, so far as they affect the Chief Justice personally, may be readily forgiven, but the tendency of such things, unhappily too prevalent of late years in this Colony, is inevitably to impair the judicial authority, to destroy all respect for the administration of the law, and, as the natural consequence, to encourage the ill-disposed in setting all rule and order at defiance.

We transmit a copy of this representation and remonstrance to His Excellency the Governor, and we trust to receive an intimation from you of the views of the Government, at an early period, on the important matter to which it relates.

We are, &c.,

ALFRED STEPHEN.
SAM'L. FREDK. MILFORD.
EDWARD WISE.

COLONIAL SECRETARY to THE CHIEF JUSTICE.

Colonial Secretary's Office,
30 May, 1863.

SIR,

I have the honor to acknowledge the receipt of your letter of the 25th instant, addressed to me by your Honor and the other Judges of the Supreme Court, with reference to a speech published in the *Empire* newspaper, reported to have been made by Mr. Robertson, the Secretary for Lands, when recently addressing his constituents in the Shoalhaven Electorate.

Having, with my colleagues, attentively considered the subject of this letter, we have arrived at the conclusion that the Government cannot admit the right of the Judges to put such an interrogatory as that contained in your letter; and we are further of opinion, that the tone and general construction of your Honor's communication are such as to render our offering any explanation, as a matter of courtesy, quite out of the question.

I have, &c.,

CHARLES COWPER.

THE

THE JUDGES OF THE SUPREME COURT to COLONIAL SECRETARY.

Supreme Court,
5 June, 1863.

SIR,

We received, on the 1st instant, your letter, addressed to the Chief Justice, in reply to our representation and remonstrance of the 25th ultimo.

Having discharged our duty by making that representation, we have no desire to continue this correspondence. We abstain, therefore, from all observation, either on the original subject of complaint, or on the character of your letter to us in reply. But, having couched our communication in terms certainly not offensive, either to yourself or the Government, we regret to have received a reply which leaves the grave matter to which it relates untouched.

We are, &c.,

ALFRED STEPHEN.
SAML. FREDK. MILFORD.
EDWARD WISE.

Sydney : Thomas Richards, Government Printer.—1863.

[*Price, 3d.*]

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MAHOMET CASSIM.

(ADMINISTRATION OF JUSTICE.)

Ordered by the Legislative Assembly to be Printed, 21 July, 1863.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 2 July, 1863, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A copy of all Correspondence between the Government
“ and any person or persons, of all Memorials or Petitions,
“ and the Reports of the Presiding Judge on the trial, having
“ reference to the trial and execution of Mahomet Cassim.”

(Mr. Wilson.)

MAHOMET CASSIM.

MR. JUSTICE WISE to COLONIAL SECRETARY.

*Supreme Court, Sydney,
14 April, 1863.*

SIR,

At the trial of the two Mahomedans, now under sentence of death at Goulburn, for murder, a skull was produced, supposed to have belonged to the murdered man. Some questions have been raised as to it by the Honorable the President of the Legislative Council in the letter sent herewith. The evidence was, to my mind, as to the identity of the deceased conclusive, but it would I think be desirable to have the skull submitted for the opinion of some competent persons. I should, however, recommend that the opinion of Dr. Alloway be taken in preference to that of Professor Smith and Mr. Watt, as recommended, as Dr. Alloway has been in the East, and he has had experience in Military surgery. I think the questions might be those enclosed.

I have, &c.,
EDWARD WISE.

Can you form any opinion,—

- (A.) As to race or country of the person to whom this skull belonged?
 - (B.) As to the weapons by which the injuries were inflicted?
 - (C.) Does the nature of the wound afford any ground for an opinion as to the person by whom, or manner in which, it was inflicted?
 - (D.) Would an exposure in the bush for fifteen months account for the present clean appearance of the skull; a considerable quantity of hair was found near the spot?
-

PRESIDENT OF LEGISLATIVE COUNCIL to MR. JUSTICE WISE.

*Lake George,
29 March, 1863.*

MY DEAR JUDGE WISE,

Dr. Hayley passed an evening with me on his way home from the Goulburn Assizes, and shewed me the skull which was produced in Court as that of the man for whose murder Cassim and Abdallah were tried.

I examined the skull carefully that evening and the next morning, and although I must preface my opinion with many apologies for venturing to obtrude it upon a British Judge, nevertheless, as human life is at stake, I think it right to state to you that it seems to me very questionable whether the skull produced could have been that of the man in question.

What strikes me as most extraordinary, and as contrary to general experience in such matters, is that the skull of a man, who was alive and well in November, 1861, should, in fifteen months from that date, shew such indications of decay as this skull presents—it is bleached, dried up, porous, the teeth have fallen out, and the sutures are coming asunder.

I do not see by the report in the papers that Dr. Hayley was asked, or gave any opinion as to whether such a change could take place in so short a time. Would it not be well to have his opinion, as well as a report from some competent gentleman in Sydney (to whom the skull might be sent), upon this point, before the sentence is carried into effect. And it is to be borne in mind that no connection has been *proved* between the coat found on the tree and the bones which lay at some distance from it.

To my mind, exposure for five and twenty years could scarcely produce such an amount of decay as this skull presents. That the man who owned it was murdered is clear, but this does not affect the question I now raise. Many murders have taken place in the Old World without detection. No old "saw" is more questionable than that, that "murder will out." The Sawpit Gully referred to may have been the scene of much lawless violence, possibly of murder, twenty, thirty, or forty years ago. The skull produced presents the ordinary appearances which indicate exposure for a considerable length of time. Then, before human life is taken, why not have the opinion of competent authorities upon this point? I put the question to Dr. Hayley; but without being very decided in opinion, so far as I could judge, he said a skull might present such appearances after so short a time, especially as bush fires might have affected it. But it does not seem to have been directly exposed to the action of fire, and this he admitted.

I again apologize to you for venturing to obtrude my poor thoughts in this matter upon you. I do so solely from the high sense I entertain of the logical necessities of legal proofs under English Laws. I am sure that you maturely considered the case, but possibly this one point escaped your observation.

Believe me, &c.,
T. A. MURRAY.

J.

MAHOMET CASSIM.

3

J. BOWIE WILSON, Esq., to COLONIAL SECRETARY.

Sydney, 15 April, 1863.

SIR,

Understanding that a skull has been forwarded to Sydney, said to be the skull of the person for whose murder Cassim and Abdallah have been condemned to death; and doubts being entertained as to whether, considering the state of decomposition the skull is in, it would have belonged to a person seen alive in November, 1861, I beg respectfully to suggest that the opinion of Dr. Smith and Mr. Watt be asked, as they might, by determining the amount of animal matter still in the bones, throw some light on the subject.

I have, &c.,
J. BOWIE WILSON.

THE UNDER SECRETARY to G. H. ALLOWAY, Esq., M.D.

*Colonial Secretary's Office,
Sydney, 16 April, 1863.*

SIR,

I am directed by the Secretary for Lands, in the absence of the Colonial Secretary, to enclose, for your information, a copy of a communication addressed by the Honorable T. A. Murray, Esq., to His Honor Mr. Justice Wise, respecting the skull produced in Court, at the recent trial of the two natives of India, for the murder of a fellow-countryman, as that of the murdered man. Under the circumstances therein stated, it is desirable that an examination of the skull should be made, to determine the doubt which has been expressed on the subject; and as it is understood that you have been in the East, and have had experience in military surgery, I am directed to request that you will oblige the Government by reporting whether you can form any opinion,—

- 1st. As to the race or country of the person to whom the skull belonged?
 - 2nd. As to the weapon by which the injuries were inflicted?
 - 3rd. Whether the nature of the wound affords any grounds for an opinion as to the person by whom, or manner in which, it was inflicted? And
 - 4th. Would an exposure in the bush for fifteen months, account for the present clean appearance of the skull, near which a considerable quantity of hair was found?
2. The skull is in possession of the Crown Solicitor, who has been requested to forward it to you.

I have, &c.,
W. ELYARD.

THE UNDER SECRETARY to CROWN SOLICITOR.

*Colonial Secretary's Office,
Sydney, 16 April, 1863.*

SIR,

I am directed to request that the skull in your possession, which was referred to on a recent trial of two natives of India, for the murder of a fellow-countryman, may be forwarded to Dr. Alloway, who has been invited to report whether he can give any information to determine the doubt which has been expressed as to the race or country of the person to whom the skull belonged.

I have, &c.,
W. ELYARD.

THE UNDER SECRETARY to HIS HONOR MR. JUSTICE WISE.

*Colonial Secretary's Office,
Sydney, 25 April, 1863.*

SIR,

With reference to your Honor's letter of the 14th instant, I am directed by the Colonial Secretary to transmit to you a report which, in compliance with your suggestion, has been obtained from Dr. Alloway, on the skull which has been assumed to be that of a native of India, for the murder of whom two of his countrymen were recently tried.

I have, &c.,
W. ELYARD.

W.

W. H. WILKINSON, Esq., to CLERK OF EXECUTIVE COUNCIL.

Supreme Court,
Sydney, 5 May, 1863.

SIR,

I have the honor to transmit the report of His Honor Mr. Justice Wise on the cases of Abdallah and Cassim, now lying in Goulburn Gaol, under sentence of death. Appended to the same will be found the report of Dr. Alloway on the skull of the deceased person, and the several statements of the two prisoners, and the articles found in the pocket of the deceased.

I have, &c.,
W. H. WILKINSON.

THE Report of His Honor Mr. Justice Wise on the cases of Abdallah and Cassim, now lying in Goulburn Gaol, under sentence of death, for the murder of a person unknown.

THE prisoners Mahomet Cassim and Mahomet Abdallah were tried and convicted before me, at the last Goulburn Assizes, of the wilful murder of a person unknown, but supposed to be a native of some Eastern race, with whom they were travelling.

At my request Mr. Simpson defended the prisoners. The peculiarity of the case requires a detailed report of the evidence.

In the early part of this year a boy, searching for cattle in an out-of-the-way place, called the Sawpit Gully, near Queanbeyan, saw a coat hanging on a sapling, with a piece of paper pinned on it. In the coat he found a piece of chalk, a play-bill, a saddle strap, and two empty gold bags. He took these things to his master's station, but the next day went back with another witness, and then other papers were found in the coat, and on looking about a skull was found, and various human bones, a shirt with a piece of rib still adhering to it, and a hat, one spur, and a pair of boots.

A policeman subsequently found a pair of trousers with the pocket turned inside out. All the bones found were collected and submitted to Dr. Hayley, whose evidence is appended. (*Marked A.*)

The documents found directed suspicion to the two prisoners, who had in November, 1861, been travelling with a third person in the neighbourhood, and exhibiting as Indian jugglers.

The following was the evidence which brought the case home to the prisoners:—

J. Robertson, a shepherd, proved that about 13th November, 1860, these men were in a tent close to his for three days, on one of which they went away to Molonglo to exhibit. On his return the last evening he saw only the two prisoners, and they said that they had been robbed by the other man of 100 and odd pounds, and that he had bolted.

Bishop, his hut-keeper, proved that he saw the three start that morning over the ridge towards the creek and the Sawpit Gully, about two miles distant, to look for some horses they had lost; but in the evening he saw the prisoners only, and on his asking what they had done with their companion, they replied he had ran away, and taken £114 from them.

The next morning they went away.

Peter Keogh, a farm overseer, who had been in the Indian army, saw the prisoners and a third man, on the 13th November, who was carrying some swords on his shoulder, one being the cavalry sword produced.

He was an East Indian, but spoke a little English, and said they were camped at Mr. Robertson's station, and had lost their horses. The witness also swore that he saw the two prisoners when they were with Burton's Circus, at Queanbeyan, last year, and asked Cassim where his other mate was, who said he did not know, that he went away, and he was no good.

Edward Evans deposed that he had seen the prisoners and a third man exhibiting at Molong, the third man appearing to be the manager, and not taking any part in the performance; that he saw the two a few days afterwards, and Cassim, in reply to a question where their companion was, said that he was gone towards Queanbeyan.

Robert M'Cawley proved that he saw the two prisoners and a third man of colour, exhibiting at Mr. Routledge's—and a day or two afterwards the two came back, stating their mate had robbed them of all their money (£170 being the sum mentioned); they offered £5 to find their horses, and then offered to sell their chance of finding them for £5, but without success, and they said they would go and get a warrant, but there was no evidence that they did go. They obtained a few shillings, and were promised more in the morning, but they went away early without it, and returned a day or two afterwards with their saddles, bridles, tent, &c., and agreed with J. Edwards, a carrier, to take them to Goulburn.

Edwards proved that among their goods was a sword which Cassim often brandished about (not, however, the broadsword afterwards mentioned); and on one occasion he said, "If I caught my countryman I would cut his head off; if it was a white man I would put him in gaol." He also said they were in pursuit of their companion for robbing them. No one who saw this witness could doubt that this was said, and that the action was suited to the word so as to alarm the witness very much. He further proved that when he was being paid he saw a roll of notes in Cassim's hand.

Near

Near Goulburn they left him, as they said, to get some horses they had left behind, and they afterwards passed him on the road, riding on horseback. He saw them again on the Queen's Wharf, when Abdallah said they were about to ship for London. The identification of the clothes found, as those belonging to the third man, was most complete. In the coat was found a printed play-bill of their performances on the preceding Saturday, the 9th of November; also, a written play-bill, and two agreements, a permission to perform at Burrengong, signed with his name in Indian characters, a bill of some things bought by Mahomet Cassim, and a pack of cards cut in halves, with Indian characters upon them,—apparently pass-tickets such as a manager of a party of strolling players would have.

Several witnesses proved that the third man appeared to be such head-man, and took no part in the juggling feats. The coat, a very remarkable one, was identified by McCawley. Peter Keogh (in a most particular manner) and James Robertson (who, with a caution by no means uncommon, while declining to swear that the coat and the hat were the same) swore that each was the very image of what he had seen the missing man wear on the last day he was seen. The hat (not an uncommon California one, but having a broad black ribbon fastened in a peculiar manner) was identified by Keogh, McCawley, and Robertson. Evidence, though not very conclusive, was also given, tending to shew that the strap, boots, and moleskin trousers belonged to the missing man. The one spur too was just what a person looking for horses in the bush might have had.

Thus far the evidence points all one way, viz., that the missing man was murdered, and that these were his clothes and remains. The examination of the skull and bones does not present anything necessarily inconsistent with the inference that they belonged to the missing man. As to the hair, it is to be remarked that, although the missing man spoke Hindostanee, we know nothing more of his origin. It is important, therefore, to see how far the evidence of the nature of the wound will strengthen the suspicions against the prisoners. Such corroboration is offered to my mind by the evidence of Dr. Hayley, and the report of Dr. Alloway. (*Marked "B."*)

The cuts are described to be remarkably clean cuts, inflicted by a strong and steady hand. The prisoner Cassim was a most expert swordsman; he could, for instance, cut through a piece of string resting upon the palm of Abdallah's hand, or a piece of steel resting on his breast. The Indian broadsword was the one used in their juggling experiments, and was seen in their possession just before the man was missed, and just afterwards. Dr. Hayley said it would inflict such a wound; and Dr. Alloway, who has since informed me that he had seen no description of the weapon supposed to have been used, actually mentioned an Indian hill knife, which it greatly resembles as a probable weapon. After I had seen his report, which was drawn up in reply to questions put by me in the most abstract form, I directed the swords to be sent to him, and I then saw him myself. He stated that the instant he saw them he selected the broadsword as the weapon, and comparing it with the cuts, and observing the peculiar absence of recoil which it gives, left my mind free from all doubt on the subject, that that was the weapon used by the murderer. The ease with which it could be concealed, accounts for it not being observed when the three were last seen together. I may mention further, that a captain in the Indian army was present throughout the trial, and he told me that he believed that none but an Indian swordsman could have inflicted such a wound. With reference to the observation as to the appearance of the skull betokening a longer period of exposure, I refer to Dr. Alloway's report; and an inspection of the skull itself is evidence enough of its correctness. The proceedings throughout appeared to be interpreted with great accuracy and intelligence by Mr. Green, formerly in the Indian army, and he, together with the gentleman before referred to, at my request, visited the prisoners in gaol, after their conviction. The statements, sent herewith, were then taken down. (*Marked C and D.*)

I subsequently shewed to Mr. Green the letter which appeared in the *Empire* of April 11th, written by a Mr. Ramsay, then undergoing sentence for forgery, and affecting to state that the prisoner Cassim had told him—Mr. Green assured me that none of the statements made in the letter were communicated to him by the prisoners. The conclusion of the jury was, in my opinion, warranted by the evidence, and is corroborated by Dr. Alloway's report. The facts may be summed up thus: A companion of the prisoners, and last seen with them, is missed, probably having money. The prisoners account for his absence by alleging that he had robbed them; but instead of attempting to find him, at once leave the district, and state their intention to leave the Colony. At other times they do not give the same account. A sum of money is seen in their possession, and one of them states he would cut his comrade's head off if he caught him. About fifteen months afterwards a quantity of clothes are found about one and a half mile from the place where the three men were last seen, which are identified, beyond a doubt, as having belonged to the missing man, and the coat bears marks of cuts; close by are found a quantity of human bones, and a skull, cut in a very remarkable manner, and a peculiar weapon, which was seen in the prisoner's possession just before and after the man was missing, is proved to be such as would have inflicted the wounds. No circumstances point to anyone else but the prisoners as the murderers. It is impossible, indeed, to account for the position in which the coat was found, but it may have been put there by some one who had previously discovered, who whilst desirous of causing it to be noticed, would not himself give information. The visit of the prisoners to the district the following year, could hardly be called voluntary, for having attached themselves to Burton's Circus they would be obliged to accompany it.

Possibly,

Possibly, however, it may be deemed sufficient to inflict the last penalty of the law upon Mahomet Cassim. I have no doubt that his hands inflicted the wounds, and several persons informed me, who had seen them performing, that Abdallah seemed to be quite the slave, and under the power of the other.

EDWARD WISE.

*Supreme Court,
Sydney, April 5th, 1863.*

A.

Dr. Hayley's Evidence.

I REMEMBER a skull and a number of bones being shewn to me on the 17th January last; the skull produced is the same; it is in the same condition now as then; the skull has three wounds in it as with a sharp instrument; a clear cut and with considerable force; it must have been heavier than a knife; a sword would do it; it would produce death, though not immediately; it would be possible for a person to rise and make a little way after those injuries, though probably he would be stunned by it; the cut was in a wavy form, as if done by a light weapon, as a thin sword; the lower would divide several vessels, and would cause death; I saw the hair produced; it is dark, long, and curly, but I cannot say it is of any peculiar race; I said at the time that the skull was that of a person of Eastern race; I had not then heard that a person of that race was supposed to have been murdered; it certainly was not that of an aboriginal, the bones are much thinner, the facial angle sharper; I believe the teeth were all perfect till death, but some of them have dropped out since; I believe the skull was that of a male; there were marks of disease in one of the bones of the spine—an old injury; a person with such an injury I should hardly think would be able to act the part of a juggler; I examined the other bones but could find no marks of injury; I saw the shirt produced; there are number of cuts in the back part as if from a sharp instrument; the bones corresponding to these cuts were absent; there were also two cuts across his sleeve; I found blood stains on the collar; I cannot say that the stains are those of human blood, but they are certainly the stains of blood; I examined the trousers, they were open at the bottom, buttoned up, and one pocket turned inside out; I found no blood on them; all the bones produced belonged to one human skeleton, but some are missing.

B.

Sydney, 22 April, 1863.

Sir,

I have the honor to acknowledge the receipt of your letter, dated the 16th instant, enclosing a copy of a communication addressed by the Honorable Terence A. Murray, Esq., to his Honor Mr. Justice Wise, respecting a skull, assumed to be that of a native of India, for the murder of whom two of his countrymen were recently tried, and requesting my opinion on certain points stated in your letter.

In reply, I beg to inform you that I have carefully examined the skull in question, which was sent to me by the Crown Solicitor, and that I am now prepared to state my opinion in answer to each query, in its order:—

1st. From its size, weight, and general conformation, it is quite possible that this skull may be that of a native of India, but it is equally possible that it may be that of a European of small stature. The appearance of the hair, if it is that of the owner of the skull, is against its Indian origin; it is fine, curly, and there is a reddish shade through it. The hair of the races of India, to whom such a skull might belong, is coarse, straight, and black, without any warm shade. I exclude the African or Malay races from consideration, as the skull in question does not belong to either race.

2nd. and 3rd. There are three distinct cuts on the skull, penetrating both tables in a remarkably clean manner. From the appearance of these cuts, it is evident that the first cut was struck on the right side of the head, the assailant being immediately behind, or a little to the left side of, his victim; the second blow was apparently struck on the back of the head, when the man fell forward from the effects of the first, this second shock having the effect of throwing the man on his right side, when the third cut was inflicted on the left side of the head, at nearly right angles with the former one. I am of opinion that the weapon used on this occasion was sharp, thin-edged, and of some weight. In each of the cuts on the skull one edge is clean cut, without splinter, and through both tables; the other edge is lost from splinting in disengaging the weapon. One cut is four inches long; this is an inch longer than the edge of the small hatchet called a tomahawk, otherwise I should have been disposed to have selected that tool as the most likely to have been used. A sharp bill-hook, or even an ordinary axe, if new and sharp, and wielded by strong and steady hands, would cause such a wound. I have seen similar wounds of the skull caused by the heavy sharp knives used by the hill natives of India as weapons of offence. I am of opinion that the cuts were inflicted by a strong and determined arm.

4th. It would be impossible to determine the period that the skull has been exposed, from its present appearance; the time which would be required for it to become clean would depend altogether on atmospheric and local causes. It is both possible and probable that, in fifteen months under alternate heavy rain and hot sun, ants and other insects would rapidly remove every particle of the soft parts, and leave it in its present state. I must dissent from the opinion that the skull is much decayed; it is true it is dried and bleached on the uppermost side, and the sutures are coming asunder, but only where they are in connection with the cuts; and the separation has been caused by the shattering blows dealt; the rest of the sutures are sound and closely united; the front teeth are wanting, and I regret that a search was not made for them on the spot. They may have been absent at the time the murder was committed; and it is of some importance in one point of view. I think this skull is that of an individual who had attained the age of from thirty-five to forty years; at this age natives of India generally have their teeth perfect, but many Europeans have lost them. With respect further to the amount of decay exhibited in this skull, I find that the soft spongy bones of the palate and inner nose, which are the first to decay, are here present and sound. Exposure and time, in my opinion, has caused but little decay to the bones of the skull.

W. Elyard, Esq.,
Under Secretary.

I have, &c.,
GEORGE H. ALLOWAY,
Late Staff Surgeon, 1st Class.

C.

C.

A STATEMENT and request of Mahomet Abdallah, now under sentence of death, in Goulburn Gaol. Tried before His Honor Mr. Justice Wise, at the Circuit Court held in March, 1863.

To His Excellency Sir John Young, Bart., K.C.B., Governor-in-Chief of the Colony of New South Wales.

May it please your Excellency,—

I call on God to witness, and solemnly assert that I am an innocent man, and never committed the crime for which I am to suffer. Witnesses came forward and swore falsely, but I had no witnesses, and so I could not prove my innocence. In the Court I said that I had placed in the hands of the lawyer, Mr. Gannon, whom His Honor very kindly employed to defend me, and I was unable to ask the witnesses questions. On account of the evidence that was given His Honor ordered me to be hanged. I state that I am not afraid to die, as I am a Mussulman, and am not at all afraid. My father Adam, and my Christ, my Mahomet, died for me, and death has no hold on my soul. The witnesses have stated untruth, and I am not guilty. I pray most humbly to God that it may please your Excellency to take my case into your kind consideration, and if I am to be hanged that you will cause me to be taken to Sydney to be hanged.

If your Excellency will only have me brought before yourself, I will explain everything to you, and then if your Excellency finds that I am guilty, and still considers that I ought to be hanged, I have a request to make.

As I am a Mussulman, I trust in God that your Excellency will cause me to be shot and not hanged, and when I am dead that my body may be handed to my caste, who are in Sydney, and not one of them here, that they may see me properly buried in my own religion. In this place there is no clergyman of my denomination, and my religion is so strict that if death is to overtake me, I ought to be allowed to pray and prepare myself.

I send my very very great salaam to your Excellency, and trust that your Excellency will take it into your kind consideration, and cause the sentence of death to be commuted to any other punishment that you may think proper. As the evidence has appeared against me, I have no fault to find with His Honor Mr. Justice Wise, in pronouncing sentence of death, but I hope that when it comes before your Excellency and the Executive Council you will be pleased to have mercy on my unfortunate soul.

Should your Excellency be still of opinion that I am to close my career in this world, may I be allowed the privilege of being hung in my own country garments; and if your Excellency will give directions to have some calico and muslin sent to me, in my cell, I will make the clothes myself.

I humbly request that after death your Excellency may cause me to be buried in a separate place according to the forms of my own religion, and some person who understands my language to be present at the time.

And your Petitioner will ever pray for your Excellency's and your country's welfare.

J. G. GREEN,
Interpreter of the Hindustani language.

Dated the 28th March, 1863.

D.

STATEMENT and request of Mahomet Cassim, now under sentence of death, in Goulburn Gaol. Tried before His Honor Mr. Justice Wise, at the Circuit Court held in March, 1863.

To His Excellency Sir John Young, Bart., K.C.B., Governor-in-Chief of the Colony of New South Wales.

May it please your Excellency,—

I am not afraid in the least to meet death. In my day there is a tree, a very large tree, called Mahomet—that died—his leaf I am, and I am not frightened to go.

For telling lies they gave me orders to be hanged; witnesses all stated what was false. This is the reason that there are orders for me to be hanged.

I should be most happy, before I died, if possible, to see your Excellency, and tell you my tale. If your Excellency could see me, you could ascertain whether I am guilty or not.

If I am in fault, in the name of God, hang me. If I am not guilty, do not hang me.

In this country I have neither father nor mother, nor any relations. I am your Excellency's child, and if I have done anything wrong, give me a slap, and I will mend.

If your Excellency still gives orders that I am to be hung, I trust that your Excellency will not allow me to be hung by a white man, and that after death my body may be given to my own countrymen to be buried separate from others.

I ask of your Excellency as a favour, that in the day time we may be allowed to be together, for we are friends and brothers. My brother is much younger than me, and knows nothing. Here we have no books, nor anything with which to pass the time. My brother does not understand to read, but I do, and if we were together in the day time, we could talk upon different subjects of religion in which we were brought up in our own country.

My eating and drinking have completely gone from me.

When the answer comes to this petition in English, I cannot understand it; may I beg your Excellency to furnish me with an interpreter?

I request of your Excellency that you would be pleased to see into my worldly affairs. I bought a carriage for £5, and have rented it to a person named Murray at £2 a week. I gave orders to him to pay the person from whom I bought the carriage £2 a week for six weeks, and another week I gave him £3. Should I get the money for this, I will give to anyone you may think proper. It is now nine weeks that I have been confined. I should like to hear about my things, that I may do what I should like with them. I have a father, mother, and brothers, in India, to whom I should like to send them. May I beg your Excellency to examine into what I have stated, and to send me a reply.

If your Excellency will send for me to Sydney, I will state everything before your Excellency. In Sydney there are many of my countrymen; if I am to die they will receive my body. In this place there are none.

I have another request to make of your Excellency, that if I am to be hanged, I may be hanged in the dress of my own country; and if your Excellency will cause some cloth to be given to me I will make clothes for myself.

In my heart and mind I know that a man is to die but once; he cannot die twice. I am neither Hindoo, Parsee, nor any other caste; I am a Mussulman.

As in duty bound, your Petitioner will ever pray for your Excellency's and your country's welfare.

J. G. GREEN,
Interpreter in the Hindustani language.

Dated 28th March, 1863.

Documents found in the coat pocket of the deceased person:—

I hereby agree to give Mahomid Cashim my concert room for the purpose to perform on Saturday night next, from $\frac{1}{2}$ past 7 till $\frac{1}{2}$ past 9 o'clock in the evening, and agree further to find him in candles—three meals each person.

W. DOLLIMORE, —

Saturday, —
— 5th, 1861.

The Woolpack, Tumut.

Tumut, May, 1861.

Mr. Mahomet Cassim.

Bought of J. O'MARA, Wholesale and Retail Storekeeper.
1861.

May—Bal. for boots	...	...	—	2	0
1 box * * *	...	...	*	*	*
$\frac{1}{4}$ lb. tobacco ...	...	...	0	1	6
1 pair trousers	...	...	0	8	6
* pipe	*	*	0	1	0

* * *

Paid—
Wm. M.

J. O'MARA.

Royal Exchange Hotel.

Friday night, * October, 1861.

Mr. * * * * l's.

The Indian Jugglers will perform their varied feats of,—
Tumbling and Summersaults.

Severing the strings with the naked sword on the breast.
Breaking a stone on a man's head.

Suspending a sword on the point of a needle.

Leaping through steel rings with summersaults, with knife and knives intervening.
Stand on head and pass a sharp sword three times beneath, representing decapitation.

Hands and legs being tied, being belted with knives, and summersaulting.

Breaking a piece of iron on a man's chest, &c., &c., &c.

Music and dancing to follow.

Admission 1s.

Performance to commence at 7 o'clock.

I HEREBY agree to give Mahomet Cassim my concert room for the purpose to perform any night from half-past 7 till half-past 9 o'clock in the evening; and agree for to find him in candles and three meals each person.

WILLIAM * * * *

Royal Exchange Hotel,
Chance Gully.

Saturday, — 11th.

Criterion Hotel, Young.

To the Bench of Magistrates, Burrangong,

REQUISITION for permission to give one performance, consisting of tumbling, feats of conjuring, &c., with music and dancing, at the abovenamed hotel, on Wednesday, the 16th instant, under the usual surveillance of the police.

(Signed in Indian characters.)

MAHOMET CASSIM,
Indian Juggler.

No Police objection.—C. SANDERSON, Inspector in Charge.

Granted.—J. J. LYNCH, J.P.

NOTICE!

NOTICE!

GR
A T T R A

At Mr. Torpy's
On Saturday Ni

REAL I
J U G G L

MADHOUL
Of Madras and

J U G G L E R S,

Will perform the same wonderful feats that they performed at Government House, and gained them the approbation of His Excellency and the gentry of Sydney.

Balancing a sword on the point of a needle. Breaking a stone on a man's head with a tomahawk. Severing strings on the naked breast with a sword. Breaking a bar of steel on the body with a sword. Summersaulting on a man's back. Summersaulting with hands and leg tied, and belted with knives. Standing on head, passing a sharp sword three times beneath, representing decapitation, with numerous other wonderful feats, etc., etc., etc.

Commence at half-past 7 o'clock.

Admission :
Front seats, 2s. ; Back seats, 1s. 6d.
Children half-price.

Vernon and Mellin, Printers.

SUMMARY of the Proceedings of the Executive Council on the 6th May, 1863, with reference to the Capital Conviction of Mahomet Cassim and Mahomet Abdallah, for the murder of a person unknown.

MINUTE.—63-16.

HIS Excellency the Governor having laid before the Council the report of Mr. Justice Wise on the case of Mahomet Cassim and Mahomet Abdallah, who were capitally convicted at the recent Goulburn Assizes, and sentenced to suffer death, the Council, after mature deliberation, advise that the sentence of the law be carried out in the case of Mahomet Cassim ; and in that of Mahomet Abdallah, commuted to hard labour for life on the roads or other public works of the Colony, the first three years in irons.

CHAS. COWPER, JUNR.,
Clerk of the Council.

6th May, 1863.—Approved.—The sentence of the law to take effect on Mahomet Cassim on Wednesday, the 27th instant.—JOHN YOUNG.

THE UNDER SECRETARY to THE SHERIFF.

Colonial Secretary's Office,
Sydney, 7 May, 1863.

SIR,

I am directed to inform you, that in the case of Mahomet Cassim, who was capitally convicted at the recent Goulburn Assizes, and sentenced to suffer death, the sentence of the law is to be carried into effect at Goulburn, on Wednesday, the 27th instant, in the manner prescribed by the Act of Council, 17th Victoria, No. 40 ; and to request that you will apprise the unhappy man accordingly, and acknowledge the receipt of this letter.

I have, &c.,
W. ELYARD.

THE UNDER SECRETARY to HIS HONOR MR. JUSTICE WISE.

*Colonial Secretary's Office,
Sydney, 7 May, 1863.*

SIR,

I am directed to inform you that in the case of Mahomet Cassim, who was capitally convicted before your Honor at the recent Goulburn Assizes, and sentenced to suffer death, the sentence of the law is to be carried into effect at Goulburn, on Wednesday, the 27th instant, in the manner prescribed by the Act of Council, 17th Victoria, No. 40; and that the Sheriff has been instructed to apprise the unhappy man accordingly.

I have, &c.,
W. ELYARD.

THE SHERIFF to THE UNDER SECRETARY.

*Sheriff's Office,
Sydney, 7 May, 1863.*

SIR,

I have the honor to acknowledge the receipt of your letter of this date, informing me that in the case of Mahomet Cassim, who was capitally convicted at the recent Goulburn Assizes, and sentenced to suffer death, the sentence of the law is to be carried into effect at Goulburn, on Wednesday, the 27th instant, in the manner prescribed by the Act, 17th Victoria, No. 40, and beg to state that the unhappy man has been apprised thereof by letter to the Gaoler.

I have, &c.,
GEO. UHR,
Sheriff.

THE SHERIFF to THE UNDER SECRETARY.

*Sheriff's Office,
Sydney, 9 May, 1863.*

SIR,

I have the honor to enclose a telegram which I have received from the Gaoler at Goulburn, informing me that the decision of the Executive Council has been **Mahomet Cassim** communicated to the prisoner named in the margin.

I have, &c.,
GEO. UHR,
Sheriff.

TELEGRAM from the Gaoler, Goulburn, to the Sheriff, Sydney, dated 8th May, 1863:—
2 p.m.—Read sentence of death to Cassim.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MICHAEL FARRELL.

(ADMINISTRATION OF JUSTICE.)

Ordered by the Legislative Assembly to be Printed, 24 June, 1863.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 19 December, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

- “ (1.) Copies of the Information and Proceedings in the case
“ of Michael Farrell, convicted before the Central Police
“ Office, on Friday, November 28th, on the prosecution of
“ Inspector Oatley, of having caused the slaughter of Sheep
“ on premises not licensed for that purpose.
- “ (2.) Copies of two other Informations against Michael
“ Farrell, on the same day, which were withdrawn on pay-
“ ment of costs.
- “ (3.) A statement of the reasons why the said Informations
“ were so withdrawn.
- “ (4.) A Return shewing the names of the Magistrates
“ before whom the said cases were tried, or any decision
“ arrived at therein.”

(*Mr. W. Forster.*)

MICHAEL FARRELL.

INFORMATION—(GENERAL PURPOSES.)

New South Wales, }
 City of Sydney, to wit. }

BE it remembered, that on this twenty-fifth day of November, 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, Frederick Oatley, Inspector of Abattoirs, Glebe Island, in the District 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 informs me that, on the sixteenth day of November, in the year of our Lord one thousand eight hundred and sixty-two, one Michael Farrell, of George-street South, in the said City and Colony, butcher, did then and there cause to be slaughtered at his premises, situate at George-street aforesaid, within the corporate limits of the said City of Sydney, certain animals, to wit, three sheep, the said premises not being duly licensed for that purpose, contrary to the Act in such case made and provided; whereupon the said Frederick Oatley prays that I, the said Justice, will proceed in the premises according to law.

S..... 2 6
 L..... 3 0
 ————
 5 6

FREDK. OATLEY.

Exhibited at the City of Sydney, in the said Colony, }
 on the day first above written, before me,— }

D. C. F. SCOTT, P.M.

27 November, 1862.

Guilty.—Fined 5s.; costs of Court, 5s. 6d.—L. and D., or twenty-four hours gaol.

D. C. F. SCOTT, P.M.
 J. B. SMITHERS, J.P.

Received, 10s. 6d.—28 Nov., 1862.—H. C.

INFORMATION—(GENERAL PURPOSES.)

New South Wales, }
 City of Sydney, to wit. }

BE it remembered, that on this twenty-fifth day of November, 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, Frederick Oatley, Inspector of Abattoirs, Glebe Island, in the District 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 informs me that, on the fourteenth day of November, in the year of our Lord one thousand eight hundred and sixty-two, one Michael Farrell, of George-street South, in the said City and Colony, butcher, did then and there cause to be slaughtered at the said premises, situate at George-street aforesaid, within the corporate limits of the said City of Sydney, certain animals, to wit, one calf and one lamb, the said premises not being licensed for that purpose, contrary to the Act in such case made and provided; whereupon the said Frederick Oatley prays that I, the said Justice, will proceed in the premises according to law.

S..... 2 6
 L..... 3 0
 A..... 1 0
 ————
 6 6

Credit—
 F. C. F. S. law.

FREDK. OATLEY.

Exhibited at the City of Sydney, in the said Colony, }
 on the day first above written, before me,— }

D. C. F. SCOTT, P.M.

28 November, 1862.

Withdrawn, on payment of costs.

D. C. F. SCOTT, P.M.
 J. B. SMITHERS, J.P.

Received, 6s. 6d.—28 Nov., 1862.—H. C.

INFORMATION—(GENERAL PURPOSES.)

New South Wales, }
City of Sydney, to wit. }

BE it remembered, that on this twenty-fifth day of November, 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, Frederick Oatley, Inspector of Abattoirs, Glebe Island, in the District 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 informs me that, on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-two, one Michael Farrell, of George-street South, in the said City and Colony, butcher, did then and there cause to be slaughtered at his premises, situate at George-street aforesaid, within the corporate limits of the said City of Sydney, certain animals, to wit, one calf and one lamb, the said premises not being duly licensed for that purpose, contrary to the Act in such case made and provided; whereupon the said Frederick Oatley prays that I, the said Justice, will proceed in the premises according to law.

S.....	2 6
I.....	3 0
A.....	1 0
Credit.....	6 6

FREDK. OATLEY.

Exhibited at the City of Sydney, in the said Colony, }
on the day first above written, before me— }
D. C. F. SCOTT, P.M.

28 November, 1862.

Withdrawn, on payment of costs.

D. C. F. SCOTT, P.M.
J. B. SMITHERS, J.P.

Received, 6s. 6d.—28 Nov., 1862.—H. C.

OATLEY v. FARRELL.

Statement of the reasons why the Informations were withdrawn.

THE first information having been read, the defendant pleaded guilty to the charge, and stated that he had only been following the business for a short time, and was ignorant of the provisions of the Slaughtering Act. Mr. Oatley then stated to the Bench that he did not wish to press for a heavy penalty, as it was Mr. Farrell's first offence, and he was fined 5s. and costs 5s. The other two cases having been called, the Bench recommended their withdrawal, as they considered the ends of justice had been met by the conviction in the first case. The prosecutor offered no objection to the withdrawal upon the defendant paying costs, and the withdrawal accordingly took place. The Bench then read to Mr. Farrell the clause of the Act which he had infringed, and warned him that if he came before them again on a similar charge, they would fine him in the highest penalty.

D. C. F. SCOTT, P.M.
JOHN B. SMITHERS, J.P.

Central Police Office,
Sydney, 30th January, 1863.

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1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

THE QUEEN *v.* WHITTAKER.

(ADMINISTRATION OF JUSTICE.)

Ordered by the Legislative Assembly to be Printed, 23 September, 1863.

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 the Depositions in the case of the Queen
“ *v.* Whittaker, charged at the last Goulburn Quarter
“ Sessions with felony, in aiding an escape from Goulburn
“ Gaol.

“ (2.) A copy of the Crown Prosecutor’s and the Attorney
“ General’s Minutes on those Depositions, and a report from
“ the Crown Prosecutor and the Judge, of the observations
“ made by each of them in Court, in reference to the
“ prisoner’s discharge.

“ (3.) A copy of any letters or instructions from the Attorney
“ General to the Crown Prosecutors, in reference to Whit-
“ taker’s case.

“ (4.) A statement from the Attorney General as to the
“ nature and extent of the control over the Crown Prose-
“ cutors, in respect to informations filed by them.”

(*Mr. Martin.*)

SCHEDULE.

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THE QUEEN v. WHITTAKER.

No. 1.

SECRETARY TO CROWN LAW OFFICERS to CLERK OF THE PEACE, GOULBURN.

Crown Law Offices,
Sydney, 8 November, 1862.

SIR,

I am directed by the Attorney General to transmit to you herewith a copy notice of an address of the Legislative Assembly for certain information respecting the case of the Queen v. Whittaker, charged at the last Goulburn Quarter Sessions with felony, in aiding an escape from Goulburn Gaol, and to request that you will have the goodness to supply (at your earliest convenience), copies of the depositions and other documents enumerated therein, so far as may be in your power.

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

No. 2.

CLERK OF THE PEACE, GOULBURN, to SECRETARY TO CROWN LAW OFFICERS.

Goulburn, 13 November, 1862.

SIR,

I have the honor, in compliance with the request contained in your letter of 8th instant, to forward herewith a copy of the depositions, and of the Attorney General's and Crown Prosecutor's Minutes thereon, in the case named in the margin.

I have, &c.,
TEMPLE NATHAN,
Clerk of the Peace, Southern District.

Queen v. Whittaker.
Unlawfully communicating with Goulburn Gaol.

[Enclosure in No. 2.]

(M. 11 and 12 Vic., cap. 42).

Depositions of Witnesses.

New South Wales, }
To wit.

THE examination of John Paton, of Goulburn, in the Colony of New South Wales, turnkey; James Wakefield, of Goulburn, turnkey; and Thomas Horsford, of Goulburn, in the said Colony, gaoler, taken on Monday, this 28th day of July, in the year of our Lord, 1862, at Goulburn, 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 Thomas Whittaker, who is charged this day before me, for that he, the said Thomas Whittaker, on the 27th day of July, 1862, at Goulburn, in the said Colony, did unlawfully communicate with the gaol in Goulburn, aforesaid, to wit, by throwing over the wall into the yard of the said gaol a certain parcel, without the permission of the proper officer being first had and obtained, contrary to the Statute in such case made and provided.

JAMES MACARTHUR, P.M.

John Paton, on oath, saith as follows:—I am a turnkey at Goulburn Gaol; yesterday, the 27th July, I was posted on duty outside the gaol wall to prevent anything being thrown over the gaol wall; at about half-past 10 a.m. the prisoner came to the fence that divides Mrs. Newman's yard from the gaol wall, and threw a parcel over the wall into the gaol yard; I immediately caught the prisoner, and took him to the lock-up.

JOHN PATON.

Sworn before us, this 28th day of }
July, 1862,— }
JAMES MACARTHUR, P.M.
WM. H. HOVELL, J.P.
P. DIGNAM, J.P.

James Wakefield, on oath, saith as follows:—I am a turnkey in Goulburn Gaol; I was on duty at the gaol yesterday, and about half-past 10 a.m. saw a parcel fall into the gaol yard, being thrown over the wall by some one outside the wall, on the side next to Mrs. Newman's public-house; the parcel was picked up by an aboriginal, who is a prisoner in the gaol; I did not see the contents; there seemed to be something hard in it, as it rattled against the wooden end of the shed in the yard; I have several times before seen parcels thrown over the wall, but do not know their contents, with the exception of one that was thrown over while the prisoners were out of the yard—it contained tobacco, and a note.

his
JAMES X WAKEFIELD.
mark.

Sworn before us, this 28th day of }
July, 1862,— }
JAMES MACARTHUR, P.M.
WM. H. HOVELL, J.P.
P. DIGNAM, J.P.

Thomas

Thomas Horsford, on oath, saith as follows:—I am Gaoler at Goulburn Gaol; in consequence of several complaints that have been made to me that parcels have been lately thrown over the gaol wall, I posted one of the turnkeys outside, and yesterday was informed that a parcel had been thrown over, and the prisoner caught in the act of doing so; it is almost impossible to get hold of the parcels when they fall inside, as the prisoners hustle any of the turnkeys that try to get hold of them; on last Saturday one of the turnkeys brought me two notes that had been picked up outside the gaol wall; I produce a note and some tobacco that was thrown over into the gaol yard on the 12th July, when the prisoners were not in the yard; I produce the two notes that were picked up outside; the prisoner was in the gaol for an assault, and discharged last May.

THOS. HORSFORD.

Sworn before us, this 28th day of }
July, 1862,— }

JAMES MACARTHUR, P.M.
WM. H. HOVELL, J.P.
P. DIGNAM, J.P.

Copy of Exhibit.

John Fining, 2 figs.
James O'Brien, 2 figs.
William West, 2 figs.
The man I got the black hat of, 2 figs.

Copy of Exhibit.

I'll be in the yard from 8 till 10 o'clock; when you comes there sling over a stone to let me know you are there; when I see the opportunity I'll give you a signal—a stone with brown paper about it; as soon as you see the stone with the brown paper going over you sling what you said directly; but if it is white paper, read it before you do anything.

Copy of Exhibit.

He anserd the stone, but did not throw the hat over when I came the morning at halfe-past seven. You can throw the Hat over when the Ball gose up at one o'clock, and I will be wating for it; if it comes I will visit you at half-past 2 o'clock with the tobacco.

Copy of Exhibit.

I have received your note, but we were in the Corridor, and Cashman got the tobacco, and the Hat has gone in the store; if you had done according to agreement all would of gone wright.
You had better throw some tobacco over, for we are perishing.

BILLEY W.

Exhibit written in pencil on back of above.

He did not send the Hat; thear was $\frac{1}{2}$ pound whent over for Edmen Bell, 2 for John Fengan, 2 for O'Brien, 2 for West, 2 for the black Hat, $\frac{1}{4}$ lb. for Shinleys. You can send the Hat over when the Ball go up—i will be there whiting—then i will send you the stuff. i sent Bell's lift over; the fite comes off next month.

(N. 11 and 12 Vic., cap. 42.)
Statement of the Accused.

New South Wales, }
To wit. }

THOMAS WHITTAKER stands charged before the undersigned, three of Her Majesty's Justices of the Peace in and for the Colony aforesaid, this 28th day of July, in the year of our Lord one thousand eight hundred and sixty-two, for that he the said Thomas Whittaker, on the 27th day of July, 1862, at Goulburn, in the said Colony, did unlawfully communicate with the gaol in Goulburn aforesaid, to wit, by throwing over the wall into the yard of the said gaol, a certain parcel, without the permission of the proper officer being first had and obtained, contrary to the statute in such case made and provided; and the said charge being read to the said Thomas Whittaker, and the witnesses for the prosecution, John Paton, James Wakefield, and Thomas Horsford, being severally examined in his presence, the said Thomas Whittaker is now addressed by us 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 Thomas Whittaker saith as follows:—"I went into Mrs. Newman's yard on Sunday morning and found some old newspaper in the water closet-there, which I threw over into the gaol; I did not throw over tobacco or anything else."

THOMAS WHITTAKER.

Signed before us, this 28th day of }
July, 1862,— }

JAMES MACARTHUR, P.M.
WM. H. HOVELL, J.P.
P. DIGNAM, J.P.

Committed for trial at Quarter Sessions, 11th August, 1862.

Recognizance to give Evidence.

New South Wales, }
To wit. }

BE it remembered, that on the 28th day of July, in the year of our Lord one thousand eight hundred and sixty-two, John Paton, and James Wakefield, both of Goulburn gaol, turnkeys, and Thomas Horsford, of Goulburn gaol, gaoler, personally came before the undersigned one of Her Majesty's Justices of the Peace for the said Colony, and acknowledge themselves severally to owe to our Sovereign Lady the Queen the sum of £40, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, land and tenements, to the use of our said Lady the Queen, her heirs and successors, if they the said several persons so bound shall fail in the conditions indorsed.

Taken and acknowledged the day and year first above-mentioned,
at Goulburn, in the said Colony, before—

P. L. CLOETE, J.P.

The

The condition of the within written recognizance is such, That whereas one Thomas Whittaker was this day charged before the Justice of the Peace within mentioned, for that, he, the said Thomas Whittaker, on the 27th day of July, did unlawfully communicate with the gaol at Goulburn, by throwing a parcel over the wall into the gaol aforesaid; if therefore they the said several persons so bound shall appear at the next Quarter Sessions to be holden at Goulburn, in and for the Colony of New South Wales, on Monday, the 11th day of August, 1862, and there give such evidence as they knoweth upon an information to be then and there preferred against the said Thomas Whittaker for the offence aforesaid, to the jurors who shall pass upon the trial of the said Thomas Whittaker, then the said recognizance to be void, or else to stand in full force and virtue.

P. L. CLOETE, J.P.

No. 3.

CROWN PROSECUTOR'S MINUTE ON ABOVE.

I DO not see any offence here to lay an information upon. The evidence is that the prisoner threw a parcel over the gaol wall, but no evidence as to what it contained, and that is all. Refer to Attorney General.

31 July, 1862.

D. FORBES, C.P.

No. 4.

ATTORNEY GENERAL'S MINUTE ON SAME.

I AM inclined to think that there is sufficient evidence to go to a jury under the last clause of 4 Geo. IV, c. 64, sec. 43, as I presume it can be easily proved that no handful of newspaper could be thrown over the gaol wall without something weighty within it. The prisoner's statement being, therefore, disproved, this lie would, with the other facts which may be brought in evidence against him, be sufficient to justify a verdict. Mr. Forbes will do his best in the case, as it is plainly a matter to be prosecuted to the utmost.

J.F.H.,
A.G.

1/8/62.

Holloway's case 2 Dec., CC. R., 257—J.F.H., A.G.

No. 5.

EXTRACT FROM "GOULBURN CHRONICLE," WEDNESDAY, AUGUST 13, 1862.

QUARTER SESSIONS.

THE Goulburn Quarter Sessions commenced on Monday last, before his Honor Judge Callaghan, and were concluded the same day. The list of cases to be tried appeared in our last issue. The particulars of them have already been published pretty fully at the time of their being heard at the Police Court, and a brief summary of them will therefore be sufficient on the present occasion.

Mr. Forbes prosecuted for the Crown.

COMMUNICATING WITH THE GAOL.

The first prisoner placed in the dock was *Thomas Whittaker*, who, it will be remembered, was committed for trial on the 28th ultimo, for illegally communicating with the gaol, he having been caught in the act of flinging a paper parcel over the gaol wall. The parcel fell in the prisoners yard inside, and the turnkeys not having obtained possession of it, it was not known what its contents consisted of. The prisoner himself had stated that it was nothing but an old newspaper that he had picked up and thrown over the wall.

The Crown Prosecutor now stated that, on reading over the depositions, he had considered that no offence was disclosed under which he could lay an information, and he had therefore referred the matter to the Attorney General for his opinion. That gentleman had put a minute on the document to the effect, that he thought there was a case, as he did not believe that a newspaper, without something bulky being wrapped in it, could be thrown over the gaol wall. Since his (the Crown Prosecutor's) arrival in Goulburn, he had communicated with the governor of the gaol, and he found that the prisoner's statement was not incompatible with the truth, and he could not therefore but reiterate his former opinion.

His Honor, having looked at the depositions and the minute in which the Attorney General had stated the "case was one that ought to be prosecuted to the utmost," said that it was a most extraordinary minute even for an Attorney General to write. He could not but concur with the Crown Prosecutor that there was not the shadow of a case in law to justify the putting the man on his trial. By the English Act, the delivering to the prisoners masks, vizors, instruments, arms, &c., was a felony for which the offender was liable to fourteen years' transportation, but how the giving such comforts as tobacco, which it appeared to be thought was in the parcel, could be construed into an offence of this kind,

was

was beyond his comprehension. It appeared to him that the spirit of a prosecution must be somewhat altered, when such a communication as he had read was made to a Crown Prosecutor.

After a few further remarks, the Crown Prosecutor asked that Whittaker might be discharged on his own recognizances, in £10, to appear when called upon.

His Honor, having explained this course to the prisoner, asked him if he would consent to promise to pay £10 in the manner stated? The prisoner replied, amidst considerable laughter, that he hadn't got £10. To which His Honor rejoined that many a man promised to pay more than he had got. The prisoner, having entered into the required recognizances, was then discharged.

The following are the minutes of the Crown Prosecutor and Attorney General, referred to above:—

" I do not see any offence here to lay an information upon. The evidence is, that prisoner threw a parcel over the gaol wall, but no evidence as to what it contained; and that is all. Refer to the Attorney General.—D. FORBES, C.P.—July 31, 1862."

" I am inclined to think that there is sufficient evidence to go to the jury under the last clause of the 4th George 4, cap. 64, sec. 43, as I presume it can be easily proved that no handful of newspaper could be thrown over the gaol wall, without something weighty within it. The prisoner's statement being therefore disproved, this lie, with the other facts which may be brought in evidence against him, will be sufficient to justify a verdict. Mr. Forbes will do his best in the case, as it is plainly a matter to be prosecuted to the utmost.—T.H.—1/8/62."

1. The Depositions are herewith:—

John Paton, first witness, on duty outside gaol wall on July 27th, proves that the prisoner threw a parcel over the gaol wall into the gaol yard at half-past 10 a.m.; arrested him.

James Wakefield, second witness, saw a parcel come over the gaol wall at half-past 10, July 27; the parcel was picked up by an aboriginal prisoner; *it rattled against the wooden end of the shed, &c., &c.*

Horsford, gaoler, posted the turnkeys, &c., &c.; other parcels thrown, and notes, &c., &c., shewing that system of correspondence.

Copies of five of these notes are annexed to depositions.

2. The copies of Crown Prosecutor's and Attorney General's minutes on these depositions (see back), cannot be understood without reference to the consultation between the Attorney General and Crown Prosecutor on these minutes; when the Attorney General explained his view that the above depositions were enough for a verdict, if carefully put to the jury, and might be confirmed by any other evidence, which the Crown Prosecutor would probably obtain at Goulburn.

The depositions shew that an organized correspondence existed between the prisoners and friends outside, which was wholly subversive of discipline, and might lead to the most dangerous results.

I have again read the depositions, and should do as I have done, except that I have accidentally referred to the Imperial Statute (4 Geo. IV, Cap. 64, Sec. 43), instead of the Colonial Act 4 Vict., No. 29, Sec. 14, which are in the same words, except in a few words quite immaterial.

No. 6.

ATTORNEY GENERAL to JUDGE CALLAGHAN AND D. FORBES, ESQ., CROWN PROSECUTOR.

22. The Queen v. Whittaker (Administration of Justice):—Mr. Martin moved, pursuant to notice, That an Address be presented to the Governor, praying that His Excellency will be pleased to cause to be laid upon the Table of this House a Return setting forth,—

(1.) A copy of the depositions in the case of the Queen v. Whittaker, charged at the last Goulburn Quarter Sessions with felony, in aiding an escape from Goulburn Gaol.

(2.) A copy of the Crown Prosecutor's and the Attorney General's minutes on those depositions, and a report from the Crown Prosecutor and the Judge, of the observations made by each of them in Court, in reference to the prisoner's discharge.

(3.) A copy of any letters or instructions from the Attorney General to the Crown Prosecutors, in reference to Whittaker's case.

(4.) A statement from the Attorney General as to the nature and extent of the control over the Crown Prosecutors, in respect to informations filed by them.

Question put and passed.

THE Attorney General invites the attention of Judge Callaghan and Mr. Forbes to the above order of the Legislative Assembly.

The Attorney General believes Mr. Martin's inquiry relates to some censures with which (it is said) the Judge and Crown Prosecutor were pleased to honor the Attorney General's conduct and advice in Whittaker's case. The Attorney General wishes Mr. Callaghan

THE QUEEN v. WHITTAKER.

7

Callaghan distinctly to understand that the Attorney General has no intention of asking Mr. Callaghan or any Judge any questions as to his judicial conduct, but merely forwards this inquiry in due course to Mr. Callaghan and Mr. Forbes for such "report" as either of those gentlemen may think fit to make to the Legislative Assembly.

Judge Callaghan.—B.C., 20 April, 1863.

Reminder, 20 May, 1863.

Do., 8 June, 1863.

Do., 12 June, 1863.

No reply to the above on the 5th of June.

D. G. Forbes, Esq., Crown Prosecutor.—B. C., 22 April, 1863.—Reply herewith.

No. 7.

D. FORBES, ESQ., CROWN PROSECUTOR, to ATTORNEY GENERAL.

Chambers, Elizabeth-street,
Sydney, 27 April, 1863.

SIR,

I have the honor to acknowledge the receipt of a memorandum forwarded from your office, attached to which is an extract from the proceedings of the Legislative Assembly, of a motion made by Mr. Martin, calling for certain depositions and minutes in the case named in the margin, and also for a report from me of the observations I made in reference to the prisoner's discharge.

The Queen
v.
Whittaker.

2. On the occasion alluded to, Thomas Whittaker having been placed in the dock, I stated that it was not my intention to file an information in his case, and requested that he might be discharged on his own recognizance, in the sum of £10, to appear if called on. His Honor (Judge Callaghan) asked when the prisoner had been committed; I said on the 28th of the previous month. Judge Callaghan then asked why the prisoner had not been discharged before? I then explained that when I first received the depositions on reading them over I thought they disclosed no offence in law, and I had therefore referred them to you for your approval; that I had afterwards received them back from you with a minute upon them that in your opinion there was a case, on the presumption that the statement made by the prisoner could be contradicted, as it could be proved that no handful of newspaper could be thrown over the gaol wall without something weighty in it; that on my arrival at Goulburn I had seen the governor of the gaol, who informed me that, as the gaol wall was low, it was quite possible for a newspaper to be thrown over it in the way the prisoner said he had done it; I therefore then made the application for the prisoner to be discharged.

3. These are, as nearly as I can remember, the observations I made; and as they were reported very accurately in the *Goulburn Chronicle*, I beg to refer you to that paper. I am at a loss, therefore, to understand how any person could have stated that my remarks were intended to cast any censure upon you, and I am sorry that you should have thought it necessary to make use of the expression you have done, in reference to my conduct.

I have, &c.,

DAVID FORBES,
Crown Prosecutor.

The Attorney General has perused Mr. Forbes' letter of 27th instant, which requires no answer.—
J.F.H., A.G.—29/4/63.

No. 8.

SECRETARY TO CROWN LAW OFFICERS to CROWN PROSECUTORS.

(Circular.)

Crown Law Offices,
Sydney, 5 October, 1861.

SIR,

In reference to cases of committal for trial at Quarter Sessions, I am directed to state that should it appear to you in any instance that a sufficient *prima facie* case has not been disclosed in the depositions, I am to observe that the Attorney General is desirous that you should immediately return the proceedings to this office, with such observations thereon as may appear to you to be necessary for his consideration, and in no case should you decline to prosecute, that being the duty of the Attorney General.

I have, &c.,

W. E. PLUNKETT.

No. 9.

No. 9.

ATTORNEY GENERAL'S STATEMENT.

22. MR. MARTIN to move, That an Address be presented to the Governor, praying that His Excellency will be pleased to cause to be laid upon the Table of this House, a Return setting forth,—

- (1.) A copy of the depositions in the case of the Queen v. Whittaker, charged at the last Goulburn Quarter Sessions with felony, in aiding an escape from Goulburn Gaol.
- (2.) A copy of the Crown Prosecutor's and the Attorney General's minutes on those depositions, and a report from the Crown Prosecutor and the Judge of the observations made by each of them in Court, in reference to the prisoner's discharge.
- (3.) A copy of any letters or instructions from the Attorney General to the Crown Prosecutors, in reference to Whittaker's case.
- (4.) A statement from the Attorney General as to then ature and extent of the control over the Crown Prosecutors, in respect to informations filed by them.

(1, 2, and 3).—The depositions in the Queen v. Whittaker were referred to me by Mr. Forbes, the Crown Prosecutor for the Southern District; and after perusing the depositions, and consulting Mr. Forbes, I advised him, on going to Goulburn Quarter Sessions, to make further inquiries of the several witnesses as to all circumstances under which the parcels mentioned in the depositions had been thrown over the walls of the gaol yard. It was quite plain to me that the parcels containing "tobacco" were merely a blind to facilitate the throwing other parcels containing *twine, cord, files, &c.*, and I told Mr. Forbes I had no doubt he would be able, with care and attention, to obtain a conviction of Whittaker—or at all events put a stop to the practice, which might otherwise end in all the prisoners suddenly escaping from the gaol. After some further discussion with Mr. Forbes as to the conduct of the case, I said, "Do your best, and I will take any responsibility arising from the trial being directed in accordance with the committing Magistrates' decision."

I then referred Mr. Forbes to the authorities and cases on the English statute, as reported in Roscoe's Criminal Evidence, and Archbold's Criminal Pleadings.

I know nothing further of the case, except from the newspapers. The 14th section of the Colonial Gaol Act, 4 Viet., No. 29, was of course the section to proceed under, corresponding with the English statute.

(4.) The Crown Prosecutors consult me upon any depositions they think difficult: and whenever any depositions are referred by them to me I advise them as to their course of proceeding, or I decline to prosecute if I think right.

In all cases the Crown Prosecutors proceed with the prosecutions under the 10th section of 4th Viet., No. 22, and 7th Viet., No. 5, and their several commissions issued to them under the first mentioned statute.

JOHN F. HARGRAVE,
Attorney General.

18 November, 1862.

No. 10.

COPY of 4 Vic., No. 29, sec. 14, and 4 Geo. 4, cap. 64, sec. 43, as to aiding prisoners to escape from gaol.

And be it enacted That if any person shall convey or cause to be conveyed into any prison or house of correction any mask visor or other disguise or any instrument or arms proper to facilitate the escape of any prisoner and the same shall deliver or cause to be delivered to any prisoner in such prison or to any other person therein for the use of any such prisoner without the consent and privity of the keeper of such prison or house of correction every such person shall be deemed to have delivered such visor or disguise instrument or arms with intent to aid and assist such prisoner to escape and if any person shall by any means whatsoever aid and assist any prisoner to escape or in attempting to escape from any prison or house of correction every person so offending whether an escape be actually made or not shall be guilty of felony and being convicted thereof shall be transported beyond the seas for any term not exceeding fourteen years.

4 Vic., No. 29,
sec. 14.

Adopting the
words of sec. 43,
of 4 Geo. 4, cap.
64, except the
four words in
italics.

For Rex v.
Whittaker.

No. 11.

EXTRACTS FROM

- 9 Geo. 4, c. 83., sec. 5, 1828.—Until grand juries all crimes cognizable in Supreme Court shall be prosecuted by information in name of *Attorney General or other officer.*
- 7 Vic., No. 5, 1843.—The Attorney General empowered to give certificate declining to prosecute, or the Crown Prosecutor at Port Phillip.
- 14 Vic., No. 3, 1850.—Attorney General or Solicitor General (or Crown Prosecutor at Port Phillip) to have charge of depositions, &c., and transmit, &c., to Presiding Judge.
- 4 Vic., No. 22, sec. 10, 1840.—Governor power to appoint Crown Prosecutor at Port Phillip and New Zealand, &c., and at Quarter Sessions nothing to affect power of Attorney General.
- 5 Vic., No. 4, sec. 10.—Information may be exhibited in Circuit Courts in name of Attorney General, or Solicitor General, or other officer duly appointed, &c., &c.

No. 12.

No. 12.

THE UNDER SECRETARY to SECRETARY TO CROWN LAW OFFICERS.

*Colonial Secretary's Office,
Sydney, 5 June, 1863.*

SIR,

With reference to my letter of the 3rd December last, I am directed by the Colonial Secretary to request that the transmission of the Return for the Legislative Assembly, therein called for, of papers in the case of the Queen v. Whittaker may be expedited.

I have, &c.,
W. ELYARD.

No. 13.

DISTRICT JUDGE CALLAGHAN to COLONIAL SECRETARY.

*(On Circuit.)**Yass, 19 June, 1863.*

SIR,

In reference to your letter of 5th instant, No. 134, addressed to the Attorney General, and communicated to me in a blank cover of the 12th instant, I have the honor to request that you, as the Minister of Justice—from whom, I trust, I may claim this consideration—will have the goodness to present, on my behalf, to the Legislative Assembly this Report, in answer to their resolutions, which were first forwarded to me on 21st April last, by the following minute from the Attorney General's Office, which, after setting out the resolutions, says, "The Attorney General invites the attention of Judge Callaghan and Mr. Forbes to the above order of the Legislative Assembly. The Attorney General believes Mr. Martin's inquiry relates to some censures with which, it is said, the Judge and Crown Prosecutor were pleased to honor the Attorney General's conduct and advice in Whittaker's case. The Attorney General wishes Mr. Callaghan distinctly to understand that the Attorney General has no intention of asking Mr. Callaghan, or any Judge, any questions as to his judicial conduct; but merely forwards this inquiry in due course to Mr. Callaghan and Mr. Forbes for such report as either of these gentlemen may think fit to make to the Legislative Assembly."

I own I have hitherto left this minute unacknowledged, for it seemed to me the Attorney General might have given me an earlier notice of the duty which these resolutions imposed upon me, and might have abstained at least *in writing to me through his Secretary*, from coupling my name with that of the Crown Prosecutor, as he has coupled it, and from informing me of his "belief" as to Mr. Martin's inquiry, and of his sense of the "honor" of my censure upon his conduct, and, as he calls it, "his advice" in a case that he knew came before me judicially; neither did I think it at all necessary that, in such a matter, he should apprise me of his "intention," or "want of intention," to ask me questions as to my judicial conduct.

I desire, indeed, to say that I make this report, at this distance of time, for the most part from memory, as my observations were made just as I felt myself impelled to speak at the moment when, without any expectation upon my part, the matter came before me while the prisoner stood at the bar; but yet I am not at all disposed to doubt that I can, even now, recall accurately the substance, if not the very words of what fell from me upon the occasion; the more particularly, as I was shortly afterwards informed, upon very good authority, that the committing Magistrate in the case, who was present during my observations, boastingly said, that no matter what I might say or think upon the subject, he would take the very same course of proceeding upon the same evidence, whenever such a case came again before him, for he had the Attorney General's approval, and that was enough for him.

When the prisoner, Whittaker, therefore, was placed at the bar, the Crown Prosecutor informed me that he declined to prosecute, and would consent to the prisoner's discharge upon his own recognizance in £10, to appear if called on. According to my practice in such cases, I inquired when the prisoner had been committed, and being answered by the Crown Prosecutor that he had been some weeks in custody, I inquired why he had not been earlier discharged? The Crown Prosecutor informed me that, upon reading the depositions, he had been of opinion that there was no case against the prisoner upon them, and that he had made his minute to that effect upon the depositions, and had forwarded them, as soon as possible, to the Attorney General, and that the Attorney General had thereupon made his minute directing a prosecution. I asked to see the minutes, and I read them aloud as follows:—"I do not see any offence here to lay an information upon. The evidence is that prisoner threw a parcel over the gaol wall, but no evidence as to what it contained, and that is all. Refer to the Attorney General. D. FORBES, C.P., 31 July, 1862."—"I am inclined to think that there is sufficient evidence to go to the Jury, under the last clause of the 4 Geo. IV., c. 64, s. 43, as I presume it can be easily proved that no handful of newspaper could be thrown over the gaol wall without something weighty within it. The prisoner's statement being therefore disproved, this lie, with the other facts which may be brought in evidence against him, will be sufficient to justify a verdict. Mr. Forbes will do his best in the case, as it is plainly a matter to be prosecuted to the utmost.—J.F.H., 1/8/62." The Crown Prosecutor said that, upon

his arrival at Goulburn he had inquired of the gaoler as to the possibility of throwing a newspaper over the gaol wall without anything being within it, and that, having been informed by the gaoler that such a thing was quite possible, he would not institute any prosecution. I inquired under what law the offence was created, and what was its nature. The Crown Prosecutor said the offence was created under the Act of Council 4 Vict., No. 29, s. 14, and not under the Act of Parliament to which the Attorney General's minute had referred. I looked to the Act of Council, and I said it appeared to me to be very similar to the Act of Parliament. I said it appeared to me that this was a very serious charge of felony, punishable by transportation for fourteen years—the only punishment, in fact, assigned for the offence, and that I could not conceive how, upon the Crown Prosecutor's statement of the proof against the prisoner, such a charge could possibly be preferred. The Crown Prosecutor said that he understood the gaoler's opinion was that the parcel, if it contained anything, contained nothing but tobacco. I said then that I would not hesitate to say that I entirely approved of the course which the Crown Prosecutor had taken, and that I had no difficulty in saying that, in my opinion, there was not even a shadow of a case to justify the prisoner's commitment, much less his trial and conviction, upon such evidence. We all of us knew that the gaol wall at Goulburn was not more than about twenty-one feet high, and that it was in the middle of the town, surrounded by ground open to the public on all sides. Was it to be supposed that if a man, perhaps improperly and contrary to the prison regulations, threw a newspaper, or tobacco, or any other things called "comforts," over such a wall, he was to be indicted for a transportable felony "for aiding and assisting a prisoner by those means to escape"? Or was it to be so easily assumed in such a case as this that the prisoner told "a lie"? And even if he had told "a lie" in saying that there was nothing in the newspaper, was it to be said that for that "lie" with "the other circumstances" that "might be brought against him," he might be convicted of the felony of assisting a prisoner to escape from gaol? Or why was it a matter plainly to be prosecuted to the utmost? If these were the directions under which the Crown Prosecutor was to act in pressing a case against his own judgment, what dependence could the Court place in his conduct of any case, until it had extracted a statement from him that he was was *not* doing his best to obtain a conviction, upon what he himself thought improper, or at least insufficient evidence against a prisoner; or that he was *not* prosecuting to the utmost a case which he himself thought did *not* really deserve any prosecution? To me it was a most extraordinary minute even for an Attorney General to write; and I could not but regret the altered spirit of public prosecution, which it seemed plainly to disclose. It reminded me of what was done in *Pring's* case at Yass, when at the last sessions a prosecution was insisted upon by the Attorney General's Minute, contrary to the opinion of the Crown Prosecutor, against an old settler in that district, as for a nuisance, in attempting to obstruct a "bush track," which he alleged ran through his purchased land, and which the Attorney General persisted in saying should be regarded as a "public highway," arguing that, although it had never been proclaimed or gazetted as a road of any kind, it was to be taken as against the defendant to have been dedicated by the Crown to the public, because for some ten years it had been used as a track for Her Majesty's two horse mail: the law being that no such dedication of Crown Land is to be presumed against the Crown, and so cannot be presumed for the Crown against a subject. It reminded me too of *Shanley's* case, where a man was committed for trial from Queanbeyan on a charge of horse-stealing, and where the Crown Prosecutor was informed by the Attorney General's "Minute" on the depositions, that "it was no business of his to concern himself about the admission of the prisoner to bail, as the magistrates had refused bail," though in that case the magistrates had committed the prisoner for trial without even examining a witness to contradict the prisoner's account of his possession of the alleged stolen horse, without which contradiction the Crown Prosecutor was afterwards compelled to postpone the trial of the case because of his inability to give that evidence for the Crown; the prisoner having been even then for months kept in custody without that evidence having been taken against him, as I believe even to this day.

"As I had been thus *forced to speak* of these things, I could not help saying that, in my opinion, formed after many years experience of the nature of the duties of the Crown Prosecutor, it would be better to have the office placed and maintained upon a proper footing, or extinguished, than have it upon the footing to which it was now reduced."

The prisoner was then, by consent of the Crown Prosecutor, admitted to bail and discharged.

I have, &c.,
THOMAS CALLAGHAN, D.J.

No. 14.

MINUTE OF ATTORNEY GENERAL.

I HAVE perused Mr. Callaghan's letter of the 19th ultimo, and am sorry that he should have been offended that my minute of the 21st April was copied by my Secretary instead of by myself, on the paper enclosing the order of the Legislative Assembly for Mr. Callaghan's report of his judicial conduct.

My invariable practice has been to communicate with the District Court Judges, under my own hand only, and not through the Secretary; and nothing could have been further from my thoughts than to behave to any of them otherwise than with proper respect.

With

With regard to Mr. Callaghan's letter, containing as it does an unmeasured and, as it appears to me, utterly groundless attack upon my conduct as Attorney General, I can only say, that my object in informing Mr. Callaghan and Mr. Forbes of the minute which I had felt it my duty to make on the Order of the Legislative Assembly was, to inform those gentlemen that I would be no party to any infringement of the well-known constitutional rule maintained by Lord Holt, in 1694, in *Rex v. Knowllys* (12 State Trials, 1167—1207), before the Committee of Privileges—that British Judges shall not report to the Legislature their judicial conduct or opinions, unless regularly arranged.

If I had not instantly entered the remark I made upon the order obtained on Mr. Martin's motion, I consider that I should have been grossly negligent of my duty towards the judicial office; and I much regret that my simple notification of that minute should have given occasion to Mr. Callaghan to rush into this official repetition (and I cannot but think enlarged amplification) of his judicial censure of my conduct as Attorney General.

If the Honorable the Colonial Secretary wishes me to refer to the papers in Pring's and Stanley's case, I will do so; but I have no present recollection of their details. I have submitted all my views and conduct in Whittaker's case, in the papers already sent to the Colonial Secretary's Office.

I beg leave to say, that I acknowledge, to its utmost extent, my own responsibility, as Attorney General, to the Legislature and to the Government; and having throughout this matter acted as I have done, solely from my desire to protect the judicial office, I cannot account for the animosity which Mr. Callaghan has shewn against me. It is quite plain, that if I have done wrong in any part of my conduct as Attorney General, I must be equally censurable, whether Mr. Callaghan has thought me wrong or right.

JOHN F. HARGRAVE,
A.G.—7/7/63.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WILLIAMS *v.* BRODIE.

(ADMINISTRATION OF JUSTICE.)

Ordered by the Legislative Assembly to be Printed, 25 February, 1864.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 8 December, 1863, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A copy of the Proceedings before the District Court at Murrurundi, in the case of the Rev. Vincent George Williams against Alexander Brodie, Esq., J.P., in connection with a claim for arrears of Stipend; as also, a copy of the Depositions in a recent charge against the said Rev. V. G. Williams, at the instance of the said Mr. Brodie and others, before the Bench at Murrurundi.”

(Dr. Lang.)

SCHEDULE.

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WILLIAMS v. BRODIE.

No. 1.

Murrurundi, 17 June, 1863.

MESSRS. George Gray Brodie and Alexander Brodie, as Members of the Committee of the late Presbyterian Church, Murrurundi,—

Dr. to Vincent George Williams.

To amount payable to plaintiff by defendants, as agreed to by them, in consideration of his resigning his appointment of Minister of Presbyterian Church, Murrurundi £45 0 0

WILLIAMS v. BRODIE AND ANOTHER.

In the District Court of Murrurundi,— }
Holden at Murrurundi. }

July Sittings, 1863.

Between Vincent George Williams, residing at Haydonton, Murrurundi, plaintiff, and George Gray Brodie and Alexander Brodie, residing at Murrurundi, distant from the Court House within two miles, defendants.

Particulars of Plaintiff's case.

THIS plaint is entered by Vincent George Williams, the plaintiff, to recover the sum of £45,—that whereas the plaintiff, on the 16th day of June, in the year 1862, being then Presbyterian Minister, duly appointed and officiating as such, to and for and at such Presbyterian Church at Murrurundi, situated in the above district, in the Colony of New South Wales, in consideration that the Committee of the said Church, whereof the above-named defendants were then members, would pay to the plaintiff the sum of £45, for his resigning his said appointment as on and from the 30th day of June then instant, such sum being equivalent to one quarter's salary, which would have been payable to him, the said plaintiff, had he continued acting as such Minister, did agree that he, the said plaintiff, would resign his said appointment as from the said 30th of June; and the said Committee, and the said defendants members of such Committee, agreed to pay him such sum in consideration of his so resigning; and the plaintiff, in pursuance of such agreement, resigned his said appointment accordingly, whereof the defendants had notice; yet the defendants, though often requested so to do, have not paid the plaintiff such sum of £45, and have hitherto wholly refused so to do; and the plaintiff claims £60, the particulars whereof are hereunto annexed.

Particulars.

To amount payable to plaintiff by defendants, as agreed to by them, in consideration of his resigning his appointment of Minister of Presbyterian Church at Murrurundi £45 0 0

Dated this 17th day of June, 1863.

VINCENT GEO. WILLIAMS,
Plaintiff in person.

A.

Summons to appear to a Plaint.

In the District Court holden }
at Murrurundi. }

No. of Plaint, 12/63.

Between Vincent George Williams, of Haydonton, plaintiff, and George Gray Brodie and Alexander Brodie, of Murrurundi, defendants.

You are hereby summoned to appear at the District Court, to be holden at Murrurundi, on the 3rd day of July next, at the hour of 10 in the forenoon, to answer the plaintiff to a claim, the particulars of which are hereunto annexed.

Dated this 19th day of June, 1863.

G. G. BRODIE,
Registrar of the Court.

Debt or claim	45 0 0
Costs of plaint	1 1 0
Attorney's costs... ..	.....

Total amount... .. £46 1 0

To the defendant.

This is the paper writing marked A, referred to in the annexed affidavit.

G. G. BRODIE, A Commissioner for Affidavits.

Affidavit

Affidavit of Service of Summons out of the District, or where the Bailiff is unavoidably absent.

In the District Court holden }
at Murrurundi. }

No. of Complaint, 12/63.

Between Vincent George Williams, of Haydonton, plaintiff, and George Gray Brodie and Alexander Brodie, of Murrurundi, defendants.

I, *John Williams*, Bailiff of the District Court of Murrurundi, holden at Murrurundi, make oath, and say, that I did, on the 20th day of June, 1863, duly serve the defendants with a summons, a true copy whereof is hereunto annexed, marked A, at Murrurundi, by delivering the same personally to each of the defendants.

Sworn at Murrurundi, in the County of }
Brisbane, the 27th day of June, }
1863, before me,—

JOHN WILLIAMS,
Bailiff.

G. G. BRODIE,
A Commissioner for Affidavits.

Subpoena to Witness.

In the District Court of Hunter River }
District, holden at Murrurundi. }

No. of Complaint, 12/63.

Between Vincent George Williams, plaintiff, and George Gray Brodie and Alexander Brodie, defendants.

You are hereby required to attend at the Court House in Murrurundi, on Friday, the 3rd day of July, 1863, at the hour of 10 in the forenoon, to give evidence in the above cause, on behalf of the plaintiff, and then and there to have and produce _____ and all other books, papers, writings, and other documents, relating to the said action, which may be in your custody, possession, or power.

In default of your attendance, you will be liable to a penalty of £50, under section sixty-eight of the Act.

Dated this 27th day of June, 1863.

G. G. BRODIE,
Registrar of the Court.

To Anne Thompson, Henry Thompson, James Holt, Mary Ann Wightman, Rebecca Teys, Lewis Cohen, Edwin Douglass, John P. Wightman.

Subpoena to Witness.

In the District Court of Hunter River }
District, holden at Murrurundi. }

No. of Complaint, 12/63.

Between Vincent George Williams, plaintiff, and George Gray Brodie and Alexander Brodie, defendants.

You are hereby required to attend at the Court House in Murrurundi, on Friday, the 3rd day of July, 1863, at the hour of 10 in the forenoon, to give evidence in the above cause, on behalf of the defendants, and then and there to have and produce _____ and all other books, papers, writings, and other documents, relating to the said action, which may be in your custody, possession, or power.

In default of your attendance, you will be liable to a penalty of £50, under section sixty-eight of the Act.

Dated this 30th day of June, 1863.

G. G. BRODIE,
Registrar of the Court.

To Miss Thompson, George Munro, William Wightman, John Wightman, David Teys.

A.

In the District Court of Murrurundi, }
holden at Murrurundi. }

Between Rev. G. Williams, plaintiff, of Haydonton, and George Gray Brodie and Alexander Brodie, of Murrurundi, defendants.

TAKE notice, that the defendants in this cause propose to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the plaintiff or his attorney, at the Court House, Murrurundi, on the 2nd day of July instant, at 10 o'clock in the forenoon; and the said plaintiff will be required to admit, without proof, that

that such of the said documents as are specified to be originals were respectively written, signed, or executed, as they purport respectively to have been; that such as are specified as copies are true copies; and that such documents as are stated to have been served, sent, or delivered, were so sent, served, or delivered respectively, saving all just exceptions to the admissibility of such documents as evidence in this cause.

Dated the 1st day of July, A.D., 1863.

G. G. BRODIE,
Defendant.

To The Rev. V. G. Williams,
Plaintiff.

This is the notice to admit referred to in the annexed affidavit sworn before me, at Murrurundi, this 2nd July, 1863.—G. G. BRODIE, A Commissioner for Affidavits.

Original.—A certain document, dated 2nd July, 1862, written by the plaintiff, and purporting to be a farewell address to him, signed by certain persons, members of the Murrurundi Total Abstinence Society.

Affidavit of Service of Notice to admit.

In the District Court holden }
at Murrurundi. }

No. of Plaint, 12/63.

July Sittings, 1863.

Between Vincent George Williams, plaintiff, and George Gray Brodie and Alexander Brodie, defendants.

I, *John Williams*, bailiff of the District Court of Murrurundi, holden at Murrurundi, make oath and say, that I did, on the 1st day of July, 1863, duly serve the defendant with a notice to admit, a true copy whereof is hercunto annexed, marked A, at Haydonton, by delivering the same to his wife at his residence.

JOHN WILLIAMS,
Bailiff.

Sworn at Murrurundi, in the County of }
Brisbane, the 2nd day of July, 1863. }

before me,—

G. G. BRODIE,
A Commissioner for Affidavits.

(B.)—G. G. BRODIE, Registrar, D.C., Murrurundi.—*4th July, 1863* (in evidence).

Haydonton, 25 June, 1862.

DEAR SIR,

I hereby tender my resignation as Minister of the Presbyterian Church at Murrurundi, to cease at the end of the present quarter, by the Committee fulfilling the terms of their agreement with me, as expressed in your letter of the 18th instant.

To G. G. Brodie, Esq.,
Murrurundi.

I remain, &c.,
VINCENT GEO. WILLIAMS.

(D.)—G. G. BRODIE, Registrar, D.C., Murrurundi.—*4th July, 1863* (in evidence).

Murrurundi, 2 July, 1862.

REV. AND DEAR SIR,

Having heard, with deep regret, that you are about to leave this place, and feeling persuaded that your residence among us has been attended with many blessings in the great cause of total abstinence, in which you have been engaged in, and that the society of which you are the founder is now in a prosperous state; we, the undersigned, cannot allow you to depart without expressing our grateful esteem towards you, and approbation of your untiring zeal in the cause and for the welfare of those over whom God, in His Providence, has placed you, and fervently pray that every blessing a kind and watchful Providence can bestow may be yours.

With best wishes for your future welfare and your family, we subscribe ourselves,

Rev. and dear Sir,

Yours affectionately and sincerely,

[*Here follow 10 Signatures.*]

Affidavit

Affidavit.

In the District Court, }
Murrurundi. }

Williams v. Brodie and another.

On this 3rd day of July, in the year 1863, Vincent George Williams, of Murrurundi, in the Colony of New South Wales, the above-named plaintiff, being duly sworn, maketh oath and saith as follows:—"I have heard the list of jurors summoned for the present sittings of this Court; four or more of the jurors are related to the defendants, and are on the Committee of which the defendants are a portion. The defendant, Alexander Brodie, is a Magistrate, resident in this town, and attends the Bench here; and George Gray Brodie is the Registrar of the District Court. I verily believe, from the position of the parties to this suit, that the cause ought to be tried in a District Court other than the District Court of this District."

VINCENT GEORGE WILLIAMS.

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

G. G. BRODIE,

Commissioner for Affidavits.

Judgment for Plaintiff.

In the District Court holden }
at Murrurundi. }

No. of Plaint, 12/63.

Between Vincent George Williams, plaintiff, and George Gray Brodie and Alexander Brodie, defendants.

It is this day adjudged that the plaintiff do recover against the defendant the sum of £45, for debt; and it is ordered that the defendant do pay the same to the Registrar of the Court.

Given under the Seal of the Court, this 4th day of July, 1863,—

(By the Court),

G. G. BRODIE,

Registrar of the Court.

No. 2.

New South Wales, }
to wit. }

BE it remembered that, on this 29th day of July, in the year of our Lord 1863, William Wightman, of Murrurundi, in the Colony of New South Wales, innkeeper, comes before me, Andrew Loder, Esq., one of Her Majesty's Justices of the Peace in and for the Colony of New South Wales aforesaid, and being duly sworn upon oath, informs me that, on the 3rd day of July, in the year of our Lord 1863, a certain action for money payable by the defendants to the plaintiff, as agreed by them, in consideration of his resigning his appointment of Minister of the Presbyterian Church at Murrurundi, in which Vincent George Williams was the plaintiff, and George Gray Brodie and Alexander Brodie, defendants, came on for trial, in due course of law, at the Court House at Murrurundi; and that whereas a jury had been duly demanded for the trial of the said action, it was nevertheless then agreed by and between the parties thereto, in open Court, that the said action should be tried by the District Court Judge alone, without a jury; and the said action was then and there so tried accordingly, to wit, on the 3rd and 4th days of July, in the year of our Lord 1863, before William Alexander Purefoy, Esquire, District Court Judge of the Hunter River District; and the said William Wightman being duly sworn as aforesaid, upon oath further informs me that it became and was a material question, on the trial of the said action, whether the plaintiff had represented, at a meeting held in the Presbyterian Church at Murrurundi, to wit, on the 16th day of June, in the year of our Lord 1862, at which the defendants were present, that it was his intention to leave the District of Murrurundi; and the said Vincent George Williams was duly sworn as witness, on the trial of the said action, on the 4th day of July aforesaid, at Murrurundi aforesaid, before William Alexander Purefoy, Esquire, being such Judge as aforesaid; and the said Vincent George Williams being so sworn as aforesaid, not having the fear of God before his eyes, nor regarding the laws of this realm, but being moved and seduced by the instigation of the Devil, and contriving and intending to prevent the due course of law and justice, and unjustly to aggrieve the said George Gray Brodie and Alexander Brodie, the defendants of the said action, and to subject them to the payment of sundry heavy costs, damages, and expenses, then, to wit, on the day and year last aforesaid, on the trial of the said action, being so sworn as aforesaid, falsely, corruptly, knowingly, wilfully, and maliciously, before the said William Alexander Purefoy, Esquire, being such District Court Judge as aforesaid, did depose and swear, amongst other things, in substance and to the effect following, that is to say, "I never said that I would 'steer for Sydney,'" meaning thereby that he, the said Vincent George Williams, had not said at the meeting held in the Presbyterian Church on the 16th day of June as aforesaid, that he would direct his course to Sydney, whereas in truth and in fact, the said Vincent George Williams had said at the meeting aforesaid that he would likely steer for Sydney.

I

I did not say at the meeting held in the Presbyterian Church, on the 16th day of June aforesaid, "I hope they would settle with my landlord for the unexpired term of my lease," meaning thereby the term of the lease of premises then in the occupation of the said Vincent George Williams, which would not have expired at the time of the resignation of the said Vincent George Williams, whereas in truth and in fact, the said Vincent George Williams had said at the meeting aforesaid, "He hoped they would settle with his landlord for the unexpired term of his lease."

"I did not request the Committee not to delay me, as I was desirous of getting away as soon after the 30th of June as possible," meaning thereby that he, the said Vincent George Williams, had not requested the persons present at the said meeting held in the Presbyterian Church on the 16th day of June as aforesaid, not to delay him in the district of Murrurundi; whereas in truth and in fact, the said Vincent George Williams had requested the Committee not to delay him, as he was desirous of getting away as soon after the 30th of June as possible.

"Nothing was said at the said meeting (meaning the said meeting held in the Presbyterian Church on the 16th day of June as aforesaid) about Mr. Brodie taking "my family down to Lochinvar or Maitland, free of expense"; whereas in truth and in fact, it was stated at the said meeting, that Mr. Brodie would be willing to take the family of the said Vincent George Williams down to Maitland or Lochinvar, free of expense; and so the said William Wightman, being duly sworn, upon his oath aforesaid, informs me that the said Vincent George Williams, on the 4th day of July, in the year of our Lord 1863, before the said William Alexander Purefoy, Esquire, being such District Court Judge as aforesaid, by his own act and consent, and of his own most wicked and corrupt mind, in manner and form aforesaid, falsely, maliciously, wilfully, and wickedly, did commit wilful and corrupt perjury; and thereupon the said William Wightman prayeth that the said Vincent George Williams may be summoned to answer the said charge according to law.

W. WIGHTMAN.

Sworn before me, on the day and }
year first above mentioned,— }

ANDREW LODER, J.P.

New South Wales, }
Murrurundi, }
to wit. }

Police Office, Murrurundi,
4 August, 1863.

Before Andrew Loder, Esquire, J.P.

Vincent George Williams is charged with having committed wilful and corrupt perjury, at Murrurundi, on the 4th day of July now last passed.

James Sheridan, being sworn, saith:—I am Serjeant of Police for Murrurundi; on the 29th of July last I duly served a true copy of the summons now produced, by delivering same to the defendant's wife, at his residence at Haydonton; Mrs. Williams stated that defendant was not at home—that he was in Sydney; I do not think he has returned.

J. SHERIDAN.

Taken and sworn before me, at }
Murrurundi, 4th August, 1863,— }

ANDREW LODER, J.P.

Case adjourned till Tuesday next, the 11th August instant, for the attendance of the defendant—a fresh summons to be issued for defendant.

A. LODER, J.P.

Police Office, Murrurundi,
11 August, 1863.

Before William Martyn, Esq., J.P., and Frederick R. White, Esq., J.P.

Vincent George Williams stands charged with wilful and corrupt perjury.

William Wightman, being duly sworn, saith:—I am an innkeeper, and reside at Haydonton; I have heard the information read; it is true and correct.

Examined by Defendant: I was not in Court on the 3rd and 4th of July last, when you gave your evidence; I did not hear you give your evidence; I can prove by witnesses that all that I have sworn to is perfectly true; I heard the Judge sum up; I heard him remarking that you had never said you would steer for Sydney; I heard him also remark that we had sworn that you said you would steer for Sydney; I did not hear the Judge say that none of the witnesses had contradicted your evidence.

W. WIGHTMAN.

Taken and sworn before us, at }
Murrurundi, 11th August, 1863,— }

WM. MARTYN, J.P.
FRED. R. WHITE, J.P.

George

George Gray Brodie, being duly sworn, saith:—I am Registrar of the District Court for Murrurundi; the Judge of that Court is William Alexander Purefoy, Esq.; there was a District Court sitting held at Murrurundi on 3rd and 4th July last; there was a case then tried in which Vincent George Williams was plaintiff and Mr. A. Brodie and myself were defendants; the nature of that action was, that the present defendant sued Mr. A. Brodie and myself, as Committee of the Presbyterian Church of Murrurundi, for a quarter's salary, viz., the sum of £45, as Minister of the said Church; I was present during the whole of the trial; I have a minute of the verdict for the plaintiff on that trial, in the Minute Book of the Court, which I now produce; I remember a meeting of the Committee of the Presbyterian Church, Murrurundi, being held on the 16th June, 1862; I was present, with the defendant, at that meeting, when the defendant agreed to resign his appointment of Minister and leave the district, and those were the terms upon which the Committee agreed to pay the defendant the sum of £45; I heard the defendant, at that meeting, say that he would "steer for Sydney"; if he has denied saying so, it is false; he also at that meeting said something to the effect that he hoped the Committee would make some arrangement with his landlord about the unexpired term of his lease; if he has denied that he did say so, it is false; he also said that he hoped the Committee would not detain him longer than a fortnight after the end of the quarter, meaning the 30th of June next after the said meeting; Mr. A. Brodie mentioned at the meeting, that he would take the defendant's family down the country free of expense; if the defendant has denied that this took place, it is false; I saw the oath administered to the defendant, at the District Court, on the 4th day of July, 1863; I heard the defendant there say that he had never said that he would "steer for Sydney," meaning that he had not said, at the meeting on the 16th June, 1862, that he would direct his course to Sydney; I heard the defendant say that he had never asked the Committee to arrange with his landlord about the unexpired term of his lease, at the meeting of the 16th June, 1862; I heard the defendant deny that Mr. Brodie had, at the meeting on the 16th June, 1862, proposed to take his family down the country, free of expense.

By the Defendant: You said at the meeting of Committee, held on the 16th June, 1862, that you would leave the district; the Committee agreed to give you the £45 for resigning and giving them no further trouble, and to get rid of you.

G. G. BRODIE.

Taken and sworn before us, at }
Murrurundi, 11th August, 1863,— }

FRED. R. WHITE, J.P.
WM. MARTYN, J.P.

Bernard Keenan, being sworn, saith:—I am an innkeeper, and reside at Pentlands; I remember being present at a trial in the District Court, at this place, on the 3rd and 4th of July last, in which the present defendant was plaintiff, and George Gray Brodie and Alexander Brodie were defendants; I heard the defendant, Vincent G. Williams, give his evidence; I heard defendant deny, at the said trial, that he said, at the meeting of the Committee, that he would steer for Sydney, or anywhere in particular; I did not hear defendant deny that he had asked the Committee at said meeting to arrange with his landlord about the unexpired portion of his lease; I heard the words used, but cannot say that he used them; I heard defendant deny, at the said trial, that he had asked the Committee not to delay him; I heard the defendant deny that he asked any person at said meeting to take him away; I am quite disinterested in the said trial.

Examined by Defendant: I was not present at the Committee meeting held in the Church on the 16th June; I distinctly state that I heard you deny you ever asked any of the Committee to take you away.

B. KEENAN.

Taken and sworn before us, at }
Murrurundi, 11th August, 1863,— }

WM. MARTYN, J.P.
FRED. R. WHITE, J.P.

John Williams, being sworn, saith:—I am Bailiff of the Murrurundi District Court; I know the defendant; I remember an action being tried at the last District Court here, on 3rd and 4th of July last; I am positive that I duly administered the oath to the defendant, as a witness in the said trial.

JOHN WILLIAMS.

Taken and sworn before us, at }
Murrurundi, 11th August, 1863,— }

WM. MARTYN, J.P.
FRED. R. WHITE, J.P.

John Tebbutt, being sworn, saith:—I am a storekeeper, and reside at Murrurundi; I was present at the last District Court here in July, before Judge Purefoy; I remember it was held on a Saturday; I remember a case being tried, in which Mr. George Gray Brodie and Mr. Alexander Brodie were defendants, and the present defendant was plaintiff;

plaintiff; I heard the present defendant give some part of his evidence; I remember that Mr. Williams gave some evidence with regard to a Committee meeting of the Church, held here in June, 1862; Mr. Williams distinctly denied that he had said, at the said Committee meeting, that "he would steer for Sydney"; I also remember that Mr. Williams most emphatically denied that he had said at the said Committee meeting, that he hoped the Committee would settle with his landlord about the unexpired portion of his lease; I remember also Mr. Williams denying that anything was said at the Committee meeting, about Mr. Brodie taking his (Mr. W.'s) family down the country.

Examined by Defendant: I was not present at the Committee meeting held in the Church; I know nothing of what took place at the said Committee meeting, only from what I heard in the Court.

J. L. TEBBUTT.

Taken and sworn before us, at }
Murrurundi, 11th August, 1863,— }

WM. MARTYN, J.P.,
FRED. R. WHITE, J.P.

John Wightman, being sworn, saith:—I am a storekeeper, and reside at Haydonton; I am a member of the Committee of the Presbyterian Church; I know the defendant; I was present at a meeting of the Church Committee, held in the Church, in June, 1862, in regard to Mr. Williams' resignation; Mr. Williams was not present at the beginning of the meeting—he came in some time after its commencement; Mr. Williams' resignation was talked of; a resolution was about to be put to the meeting, calling upon Mr. Williams to resign; before it was put he voluntarily resigned; it was then arranged that we should present him with a purse, amounting to £45; I understood that the £45 was a voluntary contribution towards defraying his expenses in leaving the district, and for resigning his appointment; defendant said at the said meeting "he would steer for Sydney"; defendant also asked my brother to try and make some arrangement with his landlord about the unexpired portion of his lease; I remember that something was said at the meeting about not delaying him in the district after a certain time; I do not remember the exact words; defendant also said that Mr. Alexander Brodie had brought him up the country free of expense, and that he (Mr. Brodie) might do the same in taking him away; I was not present at the trial in the District Court; when Mr. Williams said that Mr. Brodie might take him down the country, he (Mr. Brodie) replied that he would throw no obstacle in the way.

Examined by Defendant: I am not aware that my brother spoke to the landlord about your lease; I understood that the £45 was to be made to you as a present, to convey your family down the country; you did not, at that meeting, agree to resign in consideration of the Committee giving you three months' notice or three months' salary; I am not aware that you made any positive agreement with the Committee to leave the Page.

Re-examined by Mr. Smith, Attorney for the Prosecution: It was not stated in positive terms that Mr. Williams was to leave the Page; as one of the Church Committee I understood that it was a part of his agreement to leave the Page, and that the £45 was to be given him for so doing and resigning his appointment.

By Defendant: I did not hear your evidence given before Judge Purefoy.

J. R. WIGHTMAN.

Taken and sworn before us, at }
Murrurundi, 11th August, 1863,— }

WM. MARTYN, J.P.
FRED. R. WHITE, J.P.

George Munro, being sworn, saith:—I reside at Glenaloon in this district; I know the defendant; I was a member of the Presbyterian Church Committee in June, 1862; Mr. Williams, the defendant, was then Minister of that Church; I remember a meeting of the Church Committee held about the latter end of June; I was present at that meeting; Mr. Williams was not present at the commencement of said meeting; he came in some time afterwards; a resolution was about being proposed, calling upon Mr. Williams to resign, when he came forward voluntarily and tendered his resignation; there was an arrangement about collecting a purse for him; this purse was to be presented to him on condition of his resigning and leaving the district; as a member of said Committee, I understood that Mr. Williams would not only resign, but leave the district; on those conditions he was to get the purse; I remember that defendant said at that meeting that "he would steer for Sydney"; I also heard the defendant say that he hoped the Committee would arrange with his landlord about the unexpired term of his lease; Mr. Williams also said that he hoped the Committee would not detain him longer than the second or third week in July then next, as he wanted to get away; Mr. Williams also, at that meeting, referred to Mr. Alexander Brodie's kindness in taking his family up, and that he hoped he or some person else would do him the same favour in taking them down.

Examined

Examined by Defendant: I am not aware that any resolution to the effect that Mr. Williams should get three months' notice or three months' salary was put to the meeting by Mr. Wightman; I did say that the Committee ought to present defendant with a sum of money on his retiring; you made no positive agreement with the Committee to leave the Page; you did not say in so many words that you would leave; the full tenor of the conversation led me most decidedly to believe that you were to leave the Page.

GEO. MUNRO.

Taken and sworn before us, at }
Murrurundi, 11th August, 1863,— }

WM. MARTYN, J.P.
FRED. R. WHITE, J.P.

Alexander Brodie, being sworn, saith:—I am a storekeeper and reside at Murrurundi; I know the defendant; I was a member of the Presbyterian Church Committee in June, 1862; defendant was then Minister of that Church; I remember a meeting of the Committee of said Church, in June, 1862; the Committee met for the purpose of considering certain grievances put forward by Mr. Williams, and concerning his resignation; Mr. Williams was not present at beginning of said meeting; he came in afterwards; Mr. Williams resigned at said meeting; the Committee agreed to assist Mr. Williams, in consideration of his altered circumstances, as he had resigned; I most decidedly understood that his leaving the district was a part of the consideration for which we were to give him the money; I asked defendant whether he thought of going to Nundle; he replied that he thought he would not take his family further up the country, but that he would steer for Sydney; I was present at the trial of an action in the last District Court here, in which the present defendant was plaintiff, and I was one of the defendants; this action was for the recovery of a sum of money that was to be collected by the Committee; the result of this trial entirely depended on what took place at the said Committee meeting; defendant was a witness on his own behalf at said trial; I remember defendant denying on his oath that he had said "he would steer for Sydney"; such denial was false; I also remember that Mr. Williams said at the said meeting of Committee, that he hoped the Committee would arrange with his landlord respecting the remaining portion of his lease; the substance of it was that he (defendant) hoped the Committee would settle with his landlord for the unexpired term of his lease; I heard defendant deny, at the said trial in the District Court, that he had spoken to the Committee about the unexpired portion of his lease; such denial was false; defendant also said at the said Committee meeting, that he hoped the Committee would not delay him over three weeks or a month after the end of the quarter, as he was anxious to settle elsewhere; defendant said, "I hope you will not delay me over three weeks or a month;" I heard defendant deny, in the District Court, that he had made such a request; such denial was not correct; it was also stated by me at said Committee meeting that he had been at no expense in coming up, and that we would lessen the expense in taking him either up the country or down; it was subsequently arranged that we might take him to Lochinvar; I heard defendant deny, at the said District Court, that such an arrangement was spoken of; such denial was not true.

Examined by Defendant: I was present at the whole of the trial in the District Court; I heard all your evidence; when giving my evidence as a witness I answered all the questions put to me; you resigned before we said anything about any money; there was no word of money until some time afterwards; I did move at said meeting that you be called upon to resign; immediately after I had read over the resolution, and before it was seconded, you said there was no occasion to put it to the meeting—"I resign;" you said you would steer for Sydney; I do not recollect saying that I would sooner give you £45 than see you occupy the pulpit three months longer; I recollect calling on Mrs. Williams during your absence; I do not remember the particular purport of my calling on Mrs. Williams; I might have suggested to Mrs. Williams that it would be desirable for Mr. Williams to leave the Page; I might have suggested to Mrs. Williams that it would be desirable for Mr. Williams to leave the Page; I do not recollect saying to Mrs. Williams that you would be sorry if you did not leave the Page.

Examined by the Bench: The proposal to give Mr. Williams the money was made before he said he would steer for Sydney, or before he asked the Committee to arrange with his landlord; we proposed to give him the money, before any conversation with him about his leaving the district.

ALEXANDER BRODIE.

Taken and sworn before us, at }
Murrurundi, 11th August, 1863,— }

WM. MARTYN, J.P.
FRED. R. WHITE, J.P.

(N. 11 & 12 Vic., cap. 42.)

*Statement of the Accused.*New South Wales, }
to wit. }

VINCENT GEORGE WILLIAMS stands charged before the undersigned, two of Her Majesty's Justices of the Peace in and for the Colony aforesaid, this 11th day of August, in the year of our Lord 1863, for that he, the said Vincent George Williams, on the 4th day of July, 1863, at Murrurundi, in the said Colony, did commit wilful and corrupt perjury; and the said charge being read to the said Vincent George Williams, and the witnesses for the prosecution, J. Sheridan, W. Wightman, G. G. Brodie, B. Keenan, J. Williams, J. Tebbutt, J. Wightman, G. Munro, and A. Brodie, being severally examined in our presence, the said Vincent G. Williams is now addressed by us 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 Vincent G. Williams saith as follows:—"That the information in this case, to my belief, "is quite irrelevant to the matter. With respect to the charge itself brought against me, "it arises out of an action brought in the District Court of Murrurundi, on the 4th of "July, and heard before Mr. Justice Purefoy, to recover the sum of £45. In that case "my evidence was not contradicted, as, to the best of my belief, pointed out by the Judge, "and a verdict was given by the Judge in my favour."

VINCENT GEO. WILLIAMS.

Prisoner committed to take his trial at the next Circuit Court, to be held at Maitland, on the 31st day of August instant. Bail allowed—prisoner in the sum of £100, and two sureties in £50 each.

WM. MARTYN, J.P.
FREDK. R. WHITE, J.P.

S. 1.

*Recognizance of Bail.*New South Wales, }
to wit. }

BE it remembered, that on the 11th day of August, in the year of our Lord 1863, Vincent George Williams, of Murrurundi, in the Colony of New South Wales, Presbyterian Minister, Lewis Cohen, of Murrurundi, in the said Colony, storekeeper, and Thomas Abbott, of Murrurundi, in the said Colony, contractor, personally came before us, the undersigned, two of Her Majesty's Justices of the Peace for the said Colony, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following, (that is to say), the said Vincent George Williams, the sum of £100; and the said Lewis Cohen and Thomas Abbott the sum of £50 each, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands and tenements, respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said Vincent George Williams shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned, at Murrurundi, in the said Colony, before,—

FREDK. WHITE, J.P.
WM. MARTYN, J.P.*Condition in ordinary cases.*

THE condition of the within written recognizance is such, that whereas the said Vincent George Williams was this day charged before us, the Justices within mentioned, for that he the said Vincent George Williams did, on the 4th day of July, 1863, at Murrurundi, commit wilful and corrupt perjury; if therefore the said Vincent George Williams will appear at the next Maitland Circuit Court, to be holden at Maitland, in and for the Colony of New South Wales, on Monday, the 31st day of August instant, and then and there surrender himself into the custody of the Keeper of the Gaol there, and plead to such information as may be filed against him for or in respect of the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said recognizance to be void, or else to stand in full force and virtue.

*Recognizance to give Evidence.*New South Wales, }
to wit. }

BE it remembered, That on the 11th day of August, in the year of our Lord 1863, John Wightman, William Wightman, George Munro, Alexander Brodie, George Gray Brodie, John Tebbutt, John Williams, Bernard Keenan, and James Sheridan, personally came before the undersigned, us, two of Her Majesty's Justices of the Peace for the said Colony, and acknowledged themselves to owe our Sovereign Lady the Queen the sum of £40 each,
of

of good and lawful money of Great Britain, to be made and levied on their goods and chattels, lands and tenements, to the use of our said Lady the Queen, Her Heirs and Successors, if they, the said J. Wightman, W. Wightman, G. Munro, A. Brodie, G. G. Brodie, John Tebbutt, J. Williams, B. Keenan, and J. Sheridan, shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned, at Murrurundi, in the said Colony, before,—

WM. MARTIN, J.P.
FREDK. WHITE. J.P.

THE condition of the within written recognizance is such, that whereas one Vincent George Williams was this day charged before Justice of the Peace within mentioned, for that he did, on the 4th of July last, at Murrurundi, commit wilful and corrupt perjury; if therefore they, the said J. Wightman, W. Wightman, G. Munro, A. Brodie, G. G. Brodie, J. Tebbutt, J. Williams, B. Keenan, and J. Sheridan, shall appear at the next Circuit Court to be holden at Maitland, in and for the Colony of New South Wales, on Monday, the 31st day of August instant, and then and there give such evidence as they know, upon an information to be then and there preferred against the said Vincent G. Williams, for the offence aforesaid, to the Jurors who shall pass upon the trial of the said Vincent G. Williams, then the said recognizance to be void, or else to stand in full force and virtue.

No. 3.

SECRETARY TO CROWN LAW OFFICERS to BENCH OF MAGISTRATES, MURRURUNDI.

*Crown Law Offices,
Sydney, 24 August, 1863.*

GENTLEMEN,

In reference to the proceedings against the individual whose name is noted in the margin, I am directed to inform you that the Attorney General has declined to prosecute, as it does not appear that a sufficient *prima facie* case is disclosed in the depositions; and I am therefore desired to request that you will have the goodness to cause the witnesses to be countermanded.

Regina
v.
Vincent George
Williams.
(Perjury.)

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

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CRIMINAL CONVICTIONS.

(RETURNS OF.)

Ordered by the Legislative Assembly to be Printed, 24 June, 1863.

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,—

- “ (1.) A Return of the number of Convictions in the Supreme
“ and Circuit Courts and Courts of Quarter Sessions, of
“ Felonies, Misdemeanors, and other crimes, during the
“ year 1859, classifying the different offences under as many
“ heads as practicable, and specifying the native country,
“ the civil condition, the average age, and the religious
“ denomination of each description of offenders.
“ (2.) A similar Return, containing the same particulars,
“ for the year 1860.
“ (3.) A similar Return, containing the same particulars,
“ for the year 1861.
“ (4.) A similar Return, containing the same particulars,
“ for the half-year ended the 30th June, 1862.”

(Mr. Harpur.)

CRIMINAL CONVICTIONS.

RETURN of Convictions at the Supreme Criminal Courts held at Sydney, in the Colony of New South Wales, during the Year 1859.

OFFENCE.	NATIVE COUNTRY.						CIVIL CONDITION.			RELIGION.						Average Age.	No Record.	TOTAL.
	England.	Ireland.	Scotland.	New South Wales.	Other British Colonies.	Foreign.	Free.	Free by Servitude.	Bond.	Church of England.	Church of Rome.	Presbyterian.	Wesleyan.	Other Religions.	Pagan.			
FELONIES.																		
Murder	1	..	..	1	..	..	2	..	..	1	..	..	..	..	1	41	..	2
Manslaughter	3	3	1	..	1	..	4	..	..	3	3	1	..	..	1	44	..	8
Feloniously wounding .. .. .	..	1	..	..	..	..	..	1	..	..	1	..	..	..	..	30	..	1
Assault with intent to ravish .. .. .	..	1	..	..	..	..	1	..	..	..	1	..	..	..	..	26	..	1
Carnally knowing a child under ten years of age	1	..	..	..	..	..	..	1	..	1	..	..	..	..	..	60	..	1
Burglary	1	..	..	..	..	..	..	1	..	1	..	..	..	..	..	55	..	1
Stealing in a dwelling	4	1	..	..	1	..	4	2	..	3	2	..	..	1	..	34	..	6
Horse-stealing	1	1	..	1	1	..	3	1	..	3	1	..	..	..	..	40	..	4
Stealing letters	1	..	..	..	1	..	2	..	..	2	..	..	..	..	..	25	..	2
Receiving stolen property .. .. .	..	..	1	..	..	..	..	1	..	..	1	..	..	..	..	45	..	1
Larceny	2	1	..	..	1	2	5	1	..	4	2	..	..	..	..	31	..	6
Forgery	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	44	..	1
Uttering forgeries	5	..	..	..	1	..	6	..	..	5	1	..	..	..	..	35	..	6
False pretences .. .. .	..	..	1	..	..	1	2	..	..	..	1	1	..	..	..	32	..	2
Bigamy	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	36	..	1
MISDEMEANORS.																		
Embezzlement	2	..	..	..	..	..	2	..	..	2	..	..	..	..	..	44	..	2
Conspiracy	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	38	..	1
Assault on high seas	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	35	..	1
Common assault .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1
Fraudulent insolvency	2	..	..	..	..	1	3	..	..	2	1	..	..	..	..	39	..	3
Keeping a gaming-house	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	42	..	1
Attempt at bestiality	1	1	..	..	..	..	1	1	..	1	1	..	..	..	..	37	..	2
Attempt at burglary .. .. .	..	1	..	..	..	..	..	1	..	..	1	..	..	..	..	51	..	1
Presenting fire-arms with intent to alarm .. .. .	..	..	..	..	..	1	1	..	..	1	..	..	..	..	..	31	..	1
Perjury	2	1	..	..	..	..	3	..	..	2	1	..	..	..	..	45	..	3
Giving false answers (sec. 44, 17 Victoria, No. 36)	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	24	..	1
GENERAL TOTAL	32	11	3	2	6	5	45	14	..	37	16	3	..	1	2	..	1	60

RETURN of Convictions at the Circuit Courts held in the Colony of New South Wales, during the Year 1859.

OFFENCE.	NATIVE COUNTRY.						CIVIL CONDITION.			RELIGION.						Average Age.	No Record.	TOTAL.
	England.	Ireland.	Scotland.	New South Wales.	Other British Colonies.	Foreign.	Free.	Free by Servitude.	Bond.	Church of England.	Church of Rome.	Presbyterian.	Wesleyan.	Other Religions.	Pagan.			
FELONIES.																		
Murder	1	2	..	1	..	2	5	1	..	2	3	1	..	..	..	36	..	6
Attempt to murder and rape .. .. .	..	1	..	1	..	..	1	..	..	..	1	..	..	..	1	25	..	1
Manslaughter .. .. .	..	1	..	..	..	1	2	..	..	..	..	..	..	..	..	37	..	2
Robbery, being armed	3	2	..	..	..	..	3	1	1	4	1	..	..	..	..	43	..	5
Shooting with intent	1	..	..	..	..	..	1	1	..	1	..	..	..	..	..	53	..	1
Horse-stealing	4	..	..	3	3	..	10	..	..	9	1	..	..	..	..	25	..	10
Larceny	2	6	..	1	1	..	7	3	..	4	6	..	..	..	..	25	..	10
Cattle-stealing	1	1	..	..	1	..	2	..	1	2	1	..	..	..	..	32	..	3
Stabbing a constable .. .. .	..	1	..	..	..	..	1	..	..	1	1	..	..	..	..	35	..	1
Robbery with violence	4	1	..	..	..	..	5	..	..	4	1	..	..	..	..	35	..	5
Attempt to commit rape .. .. .	..	1	..	..	..	..	1	..	..	1	..	..	..	..	..	55	..	1
Stealing from the person	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	15	..	1
Stealing in a dwelling	1	..	..	..	..	..	..	1	..	1	..	..	..	..	..	48	..	1
Receiving stolen property	1	..	..	..	..	..	..	1	..	1	1	..	..	..	..	45	..	1
Uttering a forgery	1	1	1	..	..	..	2	1	..	1	2	..	..	..	..	42	..	3
Rape .. .. .	..	1	..	..	..	..	1	..	..	1	..	..	..	..	..	53	..	1
Feloniously wounding .. .. .	..	..	..	..	..	1	1	..	..	..	..	..	..	1	..	50	..	1
MISDEMEANORS.																		
Obtaining money by false pretences .. .. .	..	1	..	..	..	2	2	1	..	..	3	..	..	..	..	25	..	3
Embezzlement	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	37	..	1
Common assault	2	..	..	..	..	..	1	1	..	2	..	..	..	..	..	40	..	2
Unlawfully wounding .. .. .	..	..	..	..	..	1	1	..	..	..	..	..	..	1	..	39	..	1
Indecent assault	1	..	..	..	..	1	2	..	..	1	..	..	..	1	..	19	..	2
Abduction	1	..	..	1	..	..	2	..	..	2	..	..	..	..	..	25	..	2
GENERAL TOTAL	25	18	1	7	5	8	51	11	2	36	22	1	..	..	5	..	..	64

CRIMINAL CONVICTIONS.

3

RETURN of Convictions at Courts of Quarter Sessions held in the Colony of New South Wales, during the Year 1859.

OFFENCE.	NATIVE COUNTRY.						CIVIL CONDITION.			RELIGION.						Average Age.	No Record.	TOTAL.
	England.	Ireland.	Scotland.	New South Wales.	Other British Colonies.	Foreign.	Free.	Free by Servitude.	Bond.	Church of England.	Church of Rome.	Presbyterian.	Wesleyan.	Other Religions.	Pagan.			
FELONIES.																		
Larceny	49	35	6	8	1	6	70	33	2	56	41	3	..	1	4	35	3	108
Burglary .. .. .	..	3	1	..	..	..	..	4	..	..	3	1	..	..	..	36	..	4
Horse-stealing	3	1	..	9	..	2	14	..	1	6	7	1	..	..	1	26	..	15
Cattle-stealing	5	5	..	3	1	..	9	3	2	9	5	..	..	..	..	30	2	16
Stealing in a dwelling	4	5	..	9	..	2	16	3	1	10	5	..	..	..	1	30	..	20
Stealing from the person	9	5	1	1	..	2	12	4	2	10	6	1	..	1	..	37	..	18
Receiving stolen property	1	1	2	..	..	1	4	1	..	3	2	..	..	..	..	31	1	6
Breaking, entering, and stealing therein	1	1	..	3	..	..	3	1	..	3	1	..	..	..	..	24	..	4
Robbery	5	3	..	2	..	1	10	1	..	4	6	..	..	1	..	31	..	11
Forgery	2	1	1	1	..	..	5	..	..	4	..	1	..	..	..	28	1	6
Embezzlement	5	..	..	..	..	1	5	1	..	5	..	..	..	1	..	39	1	7
Feloniously wounding	1	1	..	1	..	2	5	..	..	2	3	..	..	..	..	37	..	5
Pig-stealing	1	..	..	..	..	..	..	1	..	1	..	..	..	..	..	63	..	1
Assault with intent to ravish .. .. .	..	..	..	2	..	..	2	..	..	2	..	..	..	..	..	27	..	2
Indecent assault on a female child .. .. .	..	..	1	..	..	..	..	1	..	1	..	..	..	..	..	51	..	1
Assault with intent to rob	2	1	..	..	..	..	2	..	1	2	1	..	..	..	..	33	..	3
Arson .. .. .	..	1	..	..	..	..	..	1	..	1	..	..	..	..	..	45	1	2
Manslaughter .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1
Sheep-stealing	1	..	..	..	..	..	..	..	1	1	..	..	..	..	..	59	..	1
MISDEMEANOURS.																		
Assault	1	2	2	..	..	..	4	1	..	..	3	1	..	1	..	40	3	8
False pretences	3	1	1	1	..	3	10	2	2	12	2	..	..	..	..	41	2	16
Unlawfully wounding	1	1	..	1	..	2	5	..	..	2	1	..	..	2	..	36	..	5
Forcible entry .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2
Keeping a bawdy-house	3	2	2	2	..	..	7	2	..	6	2	1	..	..	..	37	..	9
Illegally pawning .. .. .	..	1	..	..	..	..	1	..	..	..	1	..	..	..	..	23	..	1
Perjury	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	25	..	1
Inflicting grievous bodily harm	1	1	..	..	..	..	2	..	..	..	2	..	..	..	..	37	..	2
Prize-fighting .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	3	3
Exhibiting Miner's Rights not their own .. .. .	..	..	..	..	..	2	2	..	..	..	..	..	..	2	..	27	..	2
Presenting fire-arms	1	1	..	..	..	..	..	2	..	1	1	..	..	..	..	45	..	2
Rescuing from bailiff	2	..	..	..	..	..	2	..	..	1	1	..	..	..	..	30	..	2
Illegally working a horse .. .. .	..	..	..	1	..	..	1	..	..	1	1	..	..	..	..	19	..	1
Assaulting constables	1	1	..	1	..	1	4	..	..	1	3	..	..	..	..	24	..	4
GENERAL TOTAL	107	73	17	45	2	25	196	60	13	143	102	9	..	5	10	..	20	289

RETURN of Convictions at the Supreme Criminal Court held at Sydney, in the Colony of New South Wales, during the Year 1860.

OFFENCE.	NATIVE COUNTRY.						CIVIL CONDITION.			RELIGION.						Average Age.	No Record.	TOTAL.
	England.	Ireland.	Scotland.	New South Wales.	Other British Colonies.	Foreign.	Free.	Free by Servitude.	Bond.	Church of England.	Church of Rome.	Presbyterian.	Wesleyan.	Other Religions.	Pagan.			
FELONIES.																		
Murder	1	..	..	..	..	..	..	1	..	1	..	..	..	..	..	65	..	1
Manslaughter	3	2	..	..	..	1	4	2	..	2	3	1	..	..	..	27	..	6
Rape .. .. .	..	1	..	..	..	..	..	1	..	1	1	..	..	..	..	45	..	1
Assault with intent to ravish .. .. .	..	..	..	1	..	..	1	..	..	1	..	..	..	..	..	26	..	1
Feloniously wounding	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	44	..	1
Attempt to rape .. .. .	..	..	..	1	..	..	1	..	..	..	..	..	..	..	1	20	..	1
Wounding with intent to do bodily harm	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	23	..	1
Bigamy	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	30	..	1
Horse stealing .. .. .	..	..	1	..	..	..	..	1	..	..	..	1	..	..	..	35	..	1
Larceny	2	..	..	..	1	..	3	..	..	3	..	..	..	..	..	22	..	3
Forgery and uttering .. .. .	..	1	1	1	..	..	2	1	..	2	1	..	..	..	..	31	..	3
Carnally knowing a girl under ten years of age	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	43	..	1
Burglary	2	..	..	..	..	1	2	1	..	2	1	..	..	..	..	30	..	3
MISDEMEANOURS.																		
False pretences	2	..	..	..	1	..	2	1	..	3	..	..	..	..	..	40	..	3
Obtaining cattle by fraud .. .. .	..	1	..	..	..	..	1	..	..	1	..	..	..	..	..	48	..	1
Embezzlement	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	27	..	1
Riot .. .. .	..	1	..	..	..	..	1	..	..	1	..	..	..	..	..	30	..	1
Unlawfully wounding .. .. .	..	1	..	..	..	1	2	..	..	1	1	..	..	..	..	32	..	2
Concealing birth .. .. .	..	..	..	1	..	..	1	..	..	1	1	..	..	..	..	35	..	1
Fraudulent insolvency	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	30	..	1
Breach of Marriage Act .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1
GENERAL TOTAL	16	7	2	4	2	3	26	8	..	17	13	3	..	..	1	..	1	34

CRIMINAL CONVICTIONS.

RETURN of Convictions at the Circuit Courts held in the Colony of New South Wales, during the Year 1860.

OFFENCE.	NATIVE COUNTRY.						CIVIL CONDITION.			RELIGION.						Average Age.	No Record.	TOTAL.
	England.	Ireland.	Scotland.	New South Wales.	Other British Colonies.	Foreign.	Free.	Free by Servitude.	Bond.	Church of Eng-land.	Church of Rome.	Presbyterian.	Wesleyan.	Other Religions.	Pagan.			
FELONIES.																		
Murder	2	3	..	..	1	..	4	2	..	2	4	..	..	..	..	36	..	6
Manslaughter .. .. .	..	5	..	..	..	..	4	1	..	1	4	..	..	..	..	43	..	5
Bank robbery	1	1	..	..	1	..	2	1	..	1	2	..	..	..	..	36	..	3
Robbery on the highway .. .. .	..	1	..	..	..	..	1	..	..	1	1	..	..	..	..	43	..	1
Robbery, being armed	1	1	1	..	..	..	2	1	..	1	1	1	..	..	..	39	..	3
Burglary	1	1	..	..	..	..	..	2	..	1	1	..	..	..	..	52	..	5
Forgery	3	..	..	2	..	..	5	..	..	4	1	..	..	..	..	31	..	5
Unlawfully receiving stolen money .. .. .	..	1	..	..	..	..	1	..	..	..	1	..	..	..	..	60	..	1
Larceny	2	1	..	..	..	..	1	1	1	2	1	..	..	..	..	42	..	2
Wounding with intent to commit murder .. .. .	..	2	..	..	..	..	1	1	..	1	1	..	..	..	..	46	..	2
Rape and carnally knowing .. .. .	..	1	..	1	..	..	1	..	1	..	1	..	..	1	..	46	..	2
Administering poison .. .. .	..	1	..	..	..	..	1	..	..	..	1	..	..	..	..	54	..	1
Horse-stealing	1	1	..	..	..	..	2	..	..	2	..	..	..	..	..	25	..	2
Stealing from the person	1	1	..	..	..	..	..	1	1	1	1	..	..	..	..	44	..	2
Sodomy .. .. .	..	2	..	..	..	..	1	1	..	..	1	1	..	..	..	45	..	2
Housebreaking .. .. .	..	..	..	1	..	1	2	..	..	..	1	..	..	1	..	26	..	2
Cattle-stealing .. .. .	..	..	..	1	..	..	1	..	..	1	..	..	..	..	..	13	..	1
Arson	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	23	..	1
MISDEMEANORS.																		
Perjury .. .. .	..	..	1	..	..	..	1	..	..	1	..	..	..	..	..	42	..	1
Escaping from custody	1	..	..	..	..	..	..	..	1	1	..	..	..	..	..	54	..	1
Indecent assault .. .. .	..	1	..	..	..	..	..	..	1	..	1	..	..	..	..	47	..	1
Abduction	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	30	..	1
Bigamy	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	32	..	1
GENERAL TOTAL ..	16	23	2	5	2	1	33	11	5	22	23	2	..	..	2	..	..	49

RETURN of Convictions at Courts of Quarter Sessions held in the Colony of New South Wales, during the Year 1860.

OFFENCE.	NATIVE COUNTRY.						CIVIL CONDITION.			RELIGION.						Average Age.	No Record.	TOTAL.
	England.	Ireland.	Scotland.	New South Wales.	Other British Colonies.	Foreign.	Free.	Free by Servitude.	Bond.	Church of Eng-land.	Church of Rome.	Presbyterian.	Wesleyan.	Other Religions.	Pagan.			
FELONIES.																		
Horse-stealing	6	2	..	4	1	..	12	1	..	10	3	..	..	..	..	27	1	14
Robbery	2	1	..	1	..	2	3	1	2	2	2	..	..	..	2	27	2	8
Stealing from the person	6	9	2	3	1	..	16	3	2	7	12	1	..	..	..	33	..	21
Feloniously stabbing cutting or wounding	4	1	..	2	..	6	11	..	2	3	2	..	..	..	3	32	..	13
Larceny	36	27	7	10	1	10	65	17	9	41	38	6	..	1	5	35	15	106
Stealing in a dwelling-house	3	2	..	4	..	..	12	1	1	4	9	1	..	..	..	25	1	15
Cattle-stealing	7	8	..	1	1	..	14	..	3	6	11	..	..	..	..	40	6	23
Robbery with violence	3	..	..	2	..	..	5	..	..	2	3	..	..	..	..	28	..	5
Assault with intent to rob .. .. .	..	..	1	..	..	..	1	..	..	..	1	..	..	..	..	28	..	1
Receiving stolen property	1	1	1	..	..	..	1	2	..	1	1	1	..	..	..	44	..	3
Inflicting grievous bodily harm .. .. .	..	..	..	1	..	..	1	..	..	1	..	..	..	..	..	23	..	1
Burglary	1	1	1	2	..	..	4	1	..	3	1	1	..	..	..	37	1	6
Horse-stealing .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1
Breaking, entering, and stealing therein	2	3	..	4	..	..	8	..	1	2	7	..	..	..	..	29	..	9
Forgery and uttering	1	2	1	1	..	2	5	2	..	3	4	..	..	..	..	34	2	9
Breaking machinery	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	38	..	1
Arson .. .. .	..	..	..	1	..	..	1	..	..	..	1	..	..	..	..	14	..	1
Pig-stealing	1	..	..	..	..	..	..	1	..	1	..	..	..	..	..	56	..	1
Assault with intent to commit rape	1	..	..	1	..	..	2	..	..	1	1	..	..	..	..	24	..	2
Feloniously wounding and maiming cattle	1	..	..	..	..	1	2	..	..	1	..	..	..	1	..	26	..	2
Shooting at with intent to murder .. .. .	..	1	..	..	..	..	1	..	..	..	1	..	..	..	..	40	..	1
MISDEMEANORS.																		
Abduction .. .. .	..	..	..	2	..	..	2	..	..	2	..	..	..	..	..	29	..	2
Assault	3	3	..	4	..	3	13	..	..	7	5	1	..	..	..	32	3	16
False pretences	7	1	2	1	..	2	12	1	..	8	3	1	..	1	..	37	..	13
Refusing to aid a constable .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1
Perjury	1	2	..	1	..	..	4	..	..	1	3	..	..	..	..	22	..	4
Keeping a bawdy-house .. .. .	..	4	..	5	..	..	5	4	..	3	6	..	..	..	..	24	..	9
Attempt at bestiality .. .. .	..	1	..	..	..	..	1	..	..	..	1	..	..	..	..	18	..	1
Gaming	2	..	..	..	..	..	2	..	..	2	..	..	..	..	..	42	..	2
Deserting children	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	41	..	1
Escape	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	43	1	2
Unlawfully wounding	2	..	..	..	..	..	2	..	..	2	..	..	..	..	..	21	..	2
Unlawfully being in communication with a Penal Establishment .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1
Assaulting a constable	1	1	..	..	..	..	2	..	..	1	1	..	..	..	..	35	..	2
Aiding to conceal a birth .. .. .	..	1	..	..	..	..	1	..	..	..	1	..	..	..	..	38	..	1
Breach of prison .. .. .	..	2	..	1	..	..	2	..	1	..	3	..	..	..	..	35	..	3
Assaulting a child under 12 years of age .. .. .	..	..	..	..	1	..	1	..	..	1	..	..	..	..	..	17	..	1
Embezzlement	3	1	..	..	..	..	4	..	..	..	3	..	..	1	..	34	..	4
Concealing birth .. .. .	..	..	..	1	..	..	1	..	..	..	1	..	..	..	..	19	..	1
GENERAL TOTAL ..	102	74	15	52	5	26	219	33	22	123	124	12	..	4	11	..	35	309

CRIMINAL CONVICTIONS.

RETURN of Convictions at the Supreme Criminal Court held at Sydney, in the Colony of New South Wales, during the Year 1861.

OFFENCE.	NATIVE COUNTRY.					CIVIL CONDITION.			RELIGION.					Average Age.	No Record.	TOTAL.		
	England.	Ireland.	Scotland.	New South Wales.	Other British Colonies.	Foreign.	Free.	Free by Servitude.	Bond.	Church of England.	Church of Rome.	Presbyterian.	Wesleyan.				Other Religions.	Pagan.
FELONIES.																		
Manslaughter	3					1	4				3	1				30		4
Robbery with violence	2						2									45		2
Attempt to rape				1			1									27		1
Wounding with intent to do bodily harm	2	2					3	1			2					29		4
Shooting with intent to do bodily harm	1		1				1				1	1				32		1
Burglary	1			1			2				1					34		2
Stealing in a dwelling	2		1		1		4				2	1				28		4
Larceny	1			1			2				2					25		2
Horse-stealing	1			1			2				1					22		2
MISDEMEANORS.																		
Embezzlement		1					1				1					28		1
Common assault		1					1				1					27	1	2
Assault with intent to ravish	1						1			1						45		1
Unlawfully wounding	4	1			1		5	1		3	2			1		34		6
Obtaining money by false pretences		1				1	2			1	1					29		2
Removing out of the jurisdiction of the Court	1						1			1						39		1
Insolvent contracting debts by false pretences		1					1					1				34		1
Obtaining goods by false pretences		1					1					1				55		1
GENERAL TOTAL	15	11	2	4	2	2	34	2	..	17	13	5	..	1	..	..	1	37

RETURN of Convictions at the Circuit Courts held in the Colony of New South Wales, during the Year 1861.

OFFENCE.	NATIVE COUNTRY.					CIVIL CONDITION.			RELIGION.					Average Age.	No Record.	TOTAL.		
	England.	Ireland.	Scotland.	New South Wales.	Other British Colonies.	Foreign.	Free.	Free by Servitude.	Bond.	Church of England.	Church of Rome.	Presbyterian.	Wesleyan.				Other Religions.	Pagan.
FELONIES.																		
Murder				1		1	2				1				1	28		2
Rape		2		1	1		2	2			4					31		4
Assault with intent to ravish	1	1			1	1	4			2	1				1	38		4
Attempt to commit bestiality			1					1			1					37		1
Housebreaking				1			1				1					23		1
Horse-stealing	3					1	4				2					41		4
Receiving stolen property	1	1					1	1			2					45		2
Uttering a forgery	3				2		5				4	1				26		5
Manslaughter	1	1					2			1	1					33		2
Attempt to commit an unnatural crime	1	1					1		2		1					34		2
Larceny	1	1					2			1	1					44		2
Horse-stealing and robbery under arms	1		1				2				1	1				32		2
Highway robbery		2	1				3				2	1				31		3
Stealing from the person	1				1		2			2						20		2
Stealing gold	1	1					2			1	1					30		2
MISDEMEANORS.																		
Riot	1						1			1						26		1
Perjury	1	1					1	1		1	1					40		2
Common assault	1	1						2		1	1					40		2
Sending an untrue certificate to a District Registrar			1				1				1					46		1
Breach of Electoral Act		1					1				1					55		1
GENERAL TOTAL	17	13	4	5	3	3	36	7	2	19	20	4	..	2	..	..	..	45

CRIMINAL CONVICTIONS.

RETURN of Convictions at Courts of Quarter Sessions held in the Colony of New South Wales, during the Year 1861.

OFFENCE.	NATIVE COUNTRY.						CIVIL CONDITION.			RELIGION.						Average Age.	No Record.	TOTAL.
	England.	Ireland.	Scotland.	New South Wales.	Other British Colonies.	Foreign.	Free.	Free by Servitude.	Bond.	Church of England.	Church of Rome.	Presbyterian.	Wesleyan.	Other Religions.	Pagan.			
FELONIES.																		
Horse-stealing	13	9	1	11	2	4	36	2	2	19	17	1	2	..	1	32	6	46
Cattle-stealing	5	1	1	8	..	..	13	1	1	9	6	..	..	..	..	35	1	16
Robbery .. .. .	..	1	1	1	..	..	3	..	..	1	1	..	..	1	..	37	..	3
Housebreaking	1	..	..	1	..	..	1	1	..	2	..	..	..	..	..	43	..	2
Breaking, entering, and stealing therein	2	..	..	..	..	2	4	..	..	3	1	..	..	..	..	32	1	5
Stealing in a dwelling	7	6	1	7	..	2	23	..	..	15	7	..	..	..	1	27	2	25
Larceny	39	14	7	16	4	5	72	8	5	46	37	1	..	..	1	38	5	90
Inflicting grievous bodily harm	2	2	..	2	..	..	5	..	1	3	3	..	..	..	..	27	..	6
Assault with intent to rob	2	2	..	2	..	1	6	..	1	4	3	..	..	..	..	30	..	7
Stealing from the person	12	10	1	1	1	2	25	2	..	13	11	1	..	1	1	38	..	27
Forgery and uttering	3	2	..	1	1	2	7	1	1	7	2	..	..	..	..	39	2	11
Uttering a forgery	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	40	..	1
Attempt at larceny	1	..	..	..	..	1	2	..	..	1	..	..	..	..	1	31	..	2
Sheep-stealing	2	1	..	5	..	1	6	..	3	5	4	..	..	..	..	30	..	9
Unlawfully stabbing and wounding	1	1	1	1	1	1	5	..	1	4	2	..	..	..	..	33	..	6
Assault with intent to do grievous bodily harm .. .. .	..	..	..	..	..	1	1	..	..	1	..	..	..	..	..	29	..	1
Assault with intent to commit rape .. .. .	..	..	..	1	..	..	1	..	..	1	..	..	..	..	..	21	..	1
Receiving stolen property	2	1	..	1	1	..	3	1	1	3	2	..	..	..	..	35	..	5
Breach of prison	1	..	..	1	..	..	..	..	2	2	..	..	..	..	..	33	..	2
Feloniously stabbing a pig	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	49	..	1
Cutting and maiming .. .. .	..	..	1	..	..	..	1	..	..	..	1	..	..	..	..	57	..	1
Burglary	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	43	..	1
Feloniously stabbing and wounding .. .. .	..	1	..	..	..	..	1	..	..	..	1	..	..	..	..	43	2	3
Shooting with intent to do grievous bodily harm	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	40	..	1
Robbery, being armed	2	2	1	..	..	..	5	..	..	3	1	1	..	..	..	35	..	5
MISDEMEANORS.																		
Assault	4	4	3	1	..	..	9	3	..	4	7	1	..	..	..	31	..	12
False pretences	2	3	1	3	..	1	3	2	..	3	6	..	..	..	1	35	1	11
Unlawfully using a horse .. .. .	..	1	..	2	..	..	3	..	..	1	2	..	..	..	..	26	..	3
Keeping a bawdy-house	4	5	1	2	..	..	9	3	..	5	6	..	..	1	..	34	..	12
Contempt of Court .. .. .	..	..	1	..	..	..	..	1	..	..	1	..	..	..	..	60	..	1
Conspiracy .. .. .	..	3	1	..	..	..	4	..	..	3	1	..	..	..	..	24	..	4
Perjury	2	..	1	..	..	..	3	..	..	1	1	1	..	..	..	37	..	3
Assaulting constables .. .. .	..	4	..	3	..	..	7	..	..	2	5	..	..	..	..	24	..	7
Embezzlement	5	1	..	2	..	1	8	1	..	6	3	..	..	..	..	30	..	9
Indecent assault	1	..	1	..	..	..	2	..	..	1	1	..	..	..	..	25	..	2
Abduction .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1
Indecent assault on a female child	2	..	1	..	..	1	3	1	..	1	2	1	..	..	..	36	..	5
Deserting children	1	..	..	1	..	..	2	..	..	1	1	..	..	..	..	25	..	2
Escape .. .. .	..	..	..	1	..	1	2	..	..	1	..	..	..	..	1	27	2	4
GENERAL TOTAL	120	74	25	74	10	26	284	27	18	172	134	10	3	3	7	..	24	353

RETURN of Convictions at the Supreme Criminal Court held at Sydney, in the Colony of New South Wales, during the Half-year ending 30th June, 1862.

OFFENCE.	NATIVE COUNTRY.						CIVIL CONDITION.			RELIGION.						Average Age.	No Record.	TOTAL.
	England.	Ireland.	Scotland.	New South Wales.	Other British Colonies.	Foreign.	Free.	Free by Servitude.	Bond.	Church of England.	Church of Rome.	Presbyterian.	Wesleyan.	Other Religions.	Pagan.			
FELONIES.																		
Murder .. .. .	..	..	..	..	3	..	3	..	..	..	..	..	..	3	..	29	..	3
Manslaughter .. .. .	..	..	..	1	..	..	1	..	..	1	..	..	..	..	..	24	..	1
Stealing from the person .. .. .	..	..	..	..	..	1	1	..	..	..	..	..	..	..	..	45	..	1
Assault, with intent to rob .. .. .	..	1	..	..	..	..	1	..	..	..	1	..	..	..	..	40	..	1
Forgery	1	..	..	..	..	..	1	..	..	..	1	..	..	..	..	53	..	1
Attempt at sodomy	1	..	..	..	..	1	2	..	..	1	1	..	..	..	..	32	..	2
MISDEMEANORS.																		
Embezzlement	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	27	..	1
Obtaining money by false pretences .. .. .	..	..	..	1	1	..	2	..	..	2	..	..	..	..	..	24	..	2
Attempt to obtain money by false pretences	1	..	..	..	..	1	2	..	..	1	..	..	..	1	..	28	..	2
Unlawfully wounding .. .. .	..	..	..	..	1	..	1	..	..	..	..	1	..	..	..	28	..	1
GENERAL TOTAL	4	1	..	2	5	3	15	..	..	7	2	1	1	4	..	..	..	15

CRIMINAL CONVICTIONS.

RETURN of Convictions at the Circuit Courts held in the Colony of New South Wales, during the Half-year ending 30th June, 1862.

OFFENCE.	NATIVE COUNTRY.					CIVIL CONDITION.			RELIGION.					Average Age.	No Record.	TOTAL.		
	England.	Ireland.	Scotland.	New South Wales.	Other British Colonies.	Foreign.	Free.	Free by Servitude.	Bond.	Church of Eng-land.	Church of Rome.	Presbyterian.	Wesleyan.				Other Religions.	Pagan.
FELONIES.																		
Murder .. .. .	..	1	..	5	..	..	6	..	..	3	3	..	..	..	..	25	..	6
Manslaughter .. .. .	..	..	..	1	..	..	1	..	..	..	1	..	..	..	..	32	..	1
Wounding with intent to do grievous bodily harm .. .. .	..	1	..	..	..	..	1	..	..	..	1	..	..	..	..	40	..	1
Burglary and stabbing	1	..	..	..	..	..	1	..	..	..	1	..	..	..	..	31	..	1
Larceny	3	..	..	1	..	..	3	..	1	3	1	..	..	..	..	41	..	4
Robbery, with wounding	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	38	..	1
Cattle-stealing .. .. .	..	..	..	2	..	..	2	..	..	1	1	..	..	..	..	30	..	2
Robbery .. .. .	..	..	1	..	..	..	1	..	..	1	..	..	..	..	..	28	..	1
Robbery, being armed	2	2	..	3	..	..	7	..	..	..	..	..	..	..	..	28	..	7
Forgery and uttering	2	..	..	..	..	..	1	..	1	2	3	1	..	..	..	41	..	2
Assault with intent to commit rape .. .. .	..	..	..	1	..	..	1	..	..	1	..	..	..	..	..	24	..	1
Robbery with violence	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	36	..	1
Burglary	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	42	..	1
Wounding with intent to kill	1	..	..	..	..	..	..	..	1	1	..	..	..	..	..	56	..	1
MISDEMEANORS.																		
Unlawfully wounding	1	1	..	..	..	..	2	..	..	1	1	..	..	..	..	35	..	2
Riot	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	35	..	1
Concealing birth .. .. .	..	1	..	1	..	..	2	..	..	..	2	..	..	..	..	24	..	2
Indecent assault .. .. .	..	..	..	1	..	..	1	..	..	..	1	..	..	..	..	15	..	1
Common assault	1	..	..	..	..	..	..	1	..	1	..	..	..	..	..	50	..	1
Unlawfully using a horse .. .. .	..	..	..	2	..	..	2	..	..	1	1	..	..	..	..	20	..	2
GENERAL TOTAL	15	6	1	17	..	..	35	..	4	22	16	1	..	..	..	..	..	39

RETURN of Convictions at the Courts of Quarter Sessions held in the Colony of New South Wales, during the Half-year ending 30th June, 1862.

OFFENCE.	NATIVE COUNTRY.					CIVIL CONDITION.			RELIGION.					Average Age.	No Record.	TOTAL.		
	England.	Ireland.	Scotland.	New South Wales.	Other British Colonies.	Foreign.	Free.	Free by Servitude.	Bond.	Church of Eng-land.	Church of Rome.	Presbyterian.	Wesleyan.				Other Religions.	Pagan.
FELONIES.																		
Feloniously stabbing and wounding	3	6	..	1	..	1	10	1	..	4	7	..	..	..	..	34	..	11
Larceny and receiving	26	11	5	3	1	1	40	4	3	28	16	3	..	..	..	35	1	48
Wounding with intent	2	..	..	..	..	..	2	..	..	2	..	..	..	..	..	26	..	2
Stealing in a dwelling	6	7	..	1	..	3	12	4	1	7	8	..	..	..	..	38	..	17
Stealing from the person	2	2	1	..	..	1	5	..	1	3	2	1	..	..	2	46	1	7
Forgery	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	27	..	3
Burglary .. .. .	..	..	..	..	..	..	2	..	..	2	..	..	..	..	..	34	1	3
Assault with intent to ravish	1	..	1	2	..	..	4	..	..	1	..	1	..	..	2	23	..	4
Carnally knowing a child under ten years of age	1	..	..	..	..	..	..	1	..	1	..	..	..	..	..	67	..	1
Cattle-stealing	3	1	1	3	..	..	6	2	..	5	2	..	..	..	..	33	..	8
Inflicting grievous bodily harm .. .. .	..	..	1	..	..	..	1	..	..	1	..	..	..	..	..	43	..	1
Horse-stealing	8	2	2	6	..	1	17	1	1	11	5	2	..	1	..	35	..	19
Assault with intent to rob	1	1	..	..	..	..	2	..	..	1	1	..	..	..	..	42	..	2
Robbery	3	1	..	..	1	..	5	..	..	3	2	..	..	..	..	32	..	5
Assault and robbery	1	1	..	3	..	..	4	..	1	2	3	..	..	..	..	27	..	5
Feloniously receiving stolen property	2	..	..	..	..	..	..	..	2	2	..	..	..	..	..	20	..	2
Robbery, being armed .. .. .	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	16	..	2
Uttering a forgery	1	..	1	1	..	..	1	..	2	3	..	..	..	..	..	38	..	3
Robbery with violence .. .. .	..	..	..	1	..	..	1	..	..	1	..	..	..	..	..	24	..	1
Maliciously maiming a horse	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	25	..	1
Stealing money	1	2	1	1	..	..	4	..	1	4	1	..	..	..	..	40	..	5
MISDEMEANORS.																		
Assault with intent to commit sodomy	1	..	..	..	..	..	..	1	..	1	..	..	..	..	..	58	..	1
Keeping a bawdy-house	1	2	..	..	..	..	3	..	..	2	1	..	..	..	..	39	..	3
False pretences	5	6	1	2	..	1	15	..	..	6	8	1	..	..	..	33	..	15
Indecent assault on a female child	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	23	..	1
Assault and false imprisonment .. .. .	..	..	1	..	..	..	1	2	..	1	1	..	..	..	..	22	..	2
Embezzlement	2	..	..	..	..	..	1	3	..	3	..	..	..	..	..	32	..	3
Assault	4	3	..	..	..	..	8	..	..	4	4	..	..	..	..	37	..	8
Assault on a constable	1	..	1	..	..	..	2	..	..	1	..	1	..	..	..	30	..	2
Unlawfully wounding	1	1	..	..	..	..	1	..	1	1	1	..	..	..	..	42	..	2
Illegally using a horse .. .. .	..	..	..	1	..	..	1	..	..	1	..	..	..	..	..	34	..	1
Maliciously destroying fruit trees	1	..	..	..	..	..	1	..	..	1	..	..	..	..	..	38	..	1
Negligent escape .. .. .	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1
GENERAL TOTAL	80	46	16	27	2	13	157	14	13	104	63	10	..	1	4	..	4	188

GEO. UHR, Sheriff.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MRS. LAING.

(ADMINISTRATION OF JUSTICE.)

Ordered by the Legislative Assembly to be Printed, 7 August, 1863.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 22 July, 1863, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“Copies of the Summons or Warrant, Depositions, Conviction, and all other proceedings before any Magistrate or Magistrates at Liverpool, having reference to the arrest, trial, and conviction of Mrs. Laing, who was sentenced, in or about the month of February last, to one month’s imprisonment in Parramatta Gaol, for abusive language.”

(*Mr. Macpherson.*)

MRS. LAING.

Police Office, Liverpool,
2 March, 1863.

BEFORE JERH. LINDE JONES, J.P.

Sarah Laing brought before the Court, for using obscene language.

James M'Cullum, ordinary constable, being duly sworn, on oath states:—On Thursday, the 26th day of February last, the prisoner before the bar was given into my charge by Captain Samuel Moore, for using indecent language; I asked her what she had to say to the charge; she said she had nothing to say against the charge; then I brought her to the lock-up and confined her.

JAMES M'CULLUM.

Sworn at the Court House, Liverpool, }
2nd March, 1863, before,— }

JERH. LINDE JONES, J.P.

Samuel Moore, J.P., being duly sworn, on oath states:—On last Thursday, being at home, seated in my verandah, about 6 o'clock in the evening, I heard the voice of the prisoner raised to an unusual pitch, apparently addressed to her husband; I heard her make use of the following expressions several times:—"You old bugger; you damned old bugger; you rascally old bugger;" I heard her for a considerable time making use of those expressions; her husband checked her for so doing, but without effect; I then left my house for the purpose of going for a constable, and when in the public street, and on my way to the lock-up, I heard those expressions distinctly, as already stated, repeated by her; I gave her in charge to a constable to be placed in the lock-up.

SAM. MOORE.

Sworn at the Police Office, Liverpool, }
this 2nd March, 1863, before,— }

JERH. LINDE JONES, J.P.

THE sentence of the Court is, that you pay a penalty of 20s., or be confined in Her Majesty's Gaol, at Parramatta, for a period of one month.

JERH. LINDE JONES, J.P.

I CERTIFY that the foregoing sheets—one and two—with this, contain a true copy of the proceedings handed to me by Jerh. Linde Jones, Esq., J.P., in the case of Sarah Laing, taken at the Police Office, Liverpool.

GEORGE WHITE, C.P.S.

29 July, 1863.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DEATH OF JOHN HART IN BENEVOLENT ASYLUM
AT LIVERPOOL.

(CORRESPONDENCE, &c., RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 23 September, 1863.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 14 July, 1863, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

- “ (1.) Copies of Proceedings before any Magistrate or Magistrates at Liverpool, having reference to the Death of John Hart, in the Benevolent Asylum of that town, on or about 23 September, 1862.
- “ (2.) Copies of Proceedings at the Coroner’s Inquest held at the Police Office, Liverpool, on the body of the said John Hart.
- “ (3.) Copies of all Correspondence between the Executive Government and any person or persons, on the same subject.
- “ (4.) Copy of Notice in *Gazette*, offering Reward for apprehension of Patrick Fagan, and copy of Warrant for his apprehension.”

(Mr. W. Forster.)

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DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL.

No. 1.

J. L. JONES, J.P., to ATTORNEY GENERAL.

Police Office, Liverpool,
24 September, 1862.

SIR,

I have the honor to transmit herewith the proceedings of a magisterial inquiry, held this day, on the body of a man named John Hart, who died of apoplexy this morning at the Benevolent Asylum.

And remain, &c.,

JERH. LINDE JONES, J.P.

[Enclosures in No. 1.]

Proceedings of a Magisterial Inquiry, touching the death of John Hart, who died in the Liverpool Asylum, on the 24th day of September, 1862.

A.

Samuel Moore, Esq., J.P., being duly sworn, on oath says:—I have seen the body of the deceased; I recognize him as John Hart, who has been living at my house for the last three or four months; about 7 o'clock in the evening of the 22nd instant, whilst taking tea with my family, I heard deceased making much noise, apparently from the kitchen, and making use of most improper language; I desired a man named George Fagan to desire him to desist, and if he repeated the language he had made use of again, he would be sent to the lock-up; shortly after I heard a scuffle; I did not take any notice at the time of it; shortly after I heard he had been struck by George Fagan; I had not seen the deceased during the whole of that day; on the following morning about 6 o'clock, hearing moaning, I went into the kitchen, where I saw the deceased laying on the floor, having blankets under and over him; I spoke to him, but did not receive any answer; to this circumstance I did not attach any importance, as I had formed the opinion that he had not recovered from the effects of the liquor he had had the previous evening, knowing the character of the man, that he would drink whenever he had the means of getting it, or when given to him, and having seen him frequently under similar circumstances, that is, lying on the kitchen floor until he had recovered from the effects of intoxication, consequently I let him lay there without taking any steps for his removal; about 9 o'clock on the 23rd, in the morning, Henry Lang, a blacksmith, came up and saw the man Hart; he said he thought he was very unwell; I desired him to go immediately to Mr. Samuel Redshaw, the senior constable, and tell him to come immediately with a constable to convey him to the lock-up, for medical treatment; Mr. Redshaw, the senior constable, came with a constable to my house, when the deceased was taken by them in a covered cart to the Asylum; the habits of deceased were very intemperate.

SAM. MOORE.

Sworn before me, at Liverpool, this }
24th day of September, 1862. }

JER. LINDE JONES, J.P.

This is the deposition marked A referred to in the evidence of Captain Samuel Moore, taken before me, this 15th day of November, A.D. 1862.

CHAS. BETHEL LYONS, Coroner.

C 2.

Sydney Edward Moore: I have seen the body of deceased, and recognize it as a man known by the name of John Hart; I saw him alive on Tuesday evening last, at my father's residence, about half-past 6 o'clock p.m.; he appeared to be intoxicated; I heard him making use of improper language, and very noisy; I saw George Fagan strike him on the cheek with his open hand; he was sitting at the time; his head went against the slabs; I saw him about half-past 1 o'clock the same night, laying down in the kitchen; I did not hear him speak after he received the slap in the face from Fagan; I saw him alive yesterday morning previous to his removal from my father's residence; I reside with my father in Liverpool.

SYDNEY E. MOORE.

Sworn before me, at Liverpool, this }
24th September, 1862. }

JER. LINDE JONES, J.P.

Samuel Redshaw, senior constable of the Liverpool District, being duly sworn, on oath states:—Yesterday morning, the 23rd instant, about 9 o'clock, I was sent for by Captain Moore to his residence; I went there; he pointed out to me the deceased, John Hart, who was lying on the kitchen floor; he appeared to be very ill; I sent a constable to Doctor Smith, to ask if Doctor Smith would give an order for his admittance into the Asylum; the doctor gave an order for his admittance, and I had him removed there in a covered cart.

SAML. REDSHAW.

Sworn before me, at Liverpool, this }
24th of September, 1862. }

JER. LINDE JONES, J.P.

B 1.

James Smith, Surgeon of the Benevolent Asylum, being duly sworn, on oath says:—I am a duly qualified medical practitioner; I have examined the body of John Hart; he was admitted into the Asylum yesterday, about 10 o'clock, a.m.; he was in a dying state when admitted; he lived till between 12 and 1 o'clock this morning; by order I made a *post mortem* examination; externally the body seems well developed for a man of his years (seventy-two); I found on examining the head one abrasure on the forehead,

4 DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL.

forehead, one a little before the left ear; a slight cut at the back of the head; I opened the head and I found on the surface of the brain a large quantity of coagulated blood; I also found it under the brain; I removed the brain, but could detect no fracture; I then opened the chest; I found the right lung healthy, the left lung was adhering to the side, the heart was enlarged and fatty; in the abdomen I found the liver diseased and fatty, and traces of old disease; other viscera healthy; appearances of heart and liver denoted that deceased was an habitual drunkard; I am of opinion that deceased died from sanguineous apoplexy; I do not consider the blow received by deceased accelerated his death.

JAS. SMITH.

Sworn before me, at Liverpool, this }
24th September, 1862. }

JERH. LINDE JONES, J.P.

This is the paper marked B I referred to in the deposition of James Smith, taken before me, this 15th day of November, A.D. 1862.

CHAS. BETHEL LYONS, Coroner.

George Fagan, labourer, residing in Liverpool, being duly sworn, on oath states:—I know the deceased, John Hart; I last saw him alive at 8 o'clock on Monday last, at the residence of Captain Moore, J.P.; he was very drunk, very noisy and riotous, and making use of very bad language; I was desired by Captain Moore to go to him, and direct him to cease his noise; he was in the kitchen at this time; after I had spoken to him he came out into the yard, and reeled about amongst the horses; then staggered to a seat, and sat down near the kitchen door; I was going by with a lamp in my hand; he made a grab at the lamp, and fell on his face on the ground; I then laid down the lamp to carry him up to the stable; I took him part of the way, when Mr. Sydney Moore said, "Just leave him where he is for the present"; he remained there till the horses were attended to; we then carried him in, and placed him alongside the kitchen fire; we put some cold water to his face; he was frothing at the mouth very much; I struck him slightly on the cheek with my open hand, and told him to keep quiet for a little time.

his
GEORGE X FAGAN.
mark

Sworn before me, this 24th September, }
1862, at Liverpool. }

JERH. LINDE JONES, J.P.

No. 2.

C. L. BAYLY, Esq., to ATTORNEY GENERAL.

Liverpool, 25 September, 1862.

SIR,

A magisterial inquiry held yesterday upon the body of one John Hart, terminated, by investigation "by Mr. Jones," in a decision that the said John Hart died from apoplexy; and as this decision is altogether adverse to evidence which could be produced in the case, I have only to request that a fuller inquiry may be instituted.

I have, &c.,

CHARLES LUKE BAYLY.

No. 3.

SECRETARY TO CROWN LAW OFFICERS to J. L. JONES, Esq., J.P.

Crown Law Offices,
Sydney, 29 September, 1862.

WILL Mr. Jones have the goodness to favour the Attorney General with any remarks he may think proper to make hereon?

W. E. P.

No. 4.

SECRETARY TO CROWN LAW OFFICERS to C. L. BAYLY, Esq.

Crown Law Offices,
Sydney, 29 September, 1862.

SIR,

Having placed your letter, and the proceedings of the case noted in the margin, before Mr. Attorney General Hargrave, I do myself the honor to forward the following copy of that officer's directions thereon, viz.:—

"Write to Mr. Bayly, asking *what witnesses* he wishes to be examined, to prove the allegations in his letter of 25th instant, *what he proposes to prove* by their testimony, and why he did not produce such witnesses at the magisterial inquiry he complains of."

I have, &c.,

W. E. PLUNKETT.

Inquiry on
John Hart.

No. 5.

DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL. 5

No. 5.

J. L. JONES, Esq., J.P., to ATTORNEY GENERAL.

Liverpool, 2 October, 1862.

SIR,

I have to acknowledge the receipt of the copy of a letter addressed to you by Mr. Charles Luke Bayly, of Liverpool, dated the 25th September, 1862, in which that individual states that further evidence could be produced to shew that the late John Hart, on whom a magisterial inquiry had been held, had not died from apoplexy.

The material witness at the inquiry was Dr. Smith, of the Asylum, Liverpool, who, after a *post mortem* examination of the body, gave it as his opinion that the individual above named came to his death from sanguineous apoplexy arising from intemperance and previous exposure to night air; and I also caused the skull to be examined, to ascertain if he (deceased) had received a fracture, it having transpired during the investigation that he had been struck on the head. Doctor Smith gave it as his opinion, that although there was congestion of the brain, it was not caused by the blow.

If it is your opinion that a further inquiry should be instituted, in that case Mr. Bayly can be called on to produce evidence to prove that the opinion given by Doctor Smith is erroneous.

I have, &c.,

JERH. LINDE JONES, J.P.

No. 6.

C. L. BAYLY, Esq., to SECRETARY TO CROWN LAW OFFICERS.

Liverpool, 6 October, 1862.

SIR,

I have the honor to forward to you, for the information of the Honorable the Attorney General, the following statement:—

As regards the inquiry on John Hart, I have no wish in the matter beyond a public duty; and what called forth my letter to the Attorney General was, that public indignation appeared to be raised by the so-called inquiry which took place in the Benevolent Asylum, and a general belief that a Coroner's jury ought to have been empanelled, when a searching examination might have resulted in the committal of the man George Fagan.

The only personal knowledge I have is, that one of the evidences—Mr. Sydney Moore—stated to me after the inquiry, that “little George (meaning Fagan) did murder the deceased John Hart, and that he saw him strike him and knock him down, and that “he pulled him off him;” and in the presence of Robert Boyce and another person, Mr. Sydney Moore said, “Fagan returned to him shortly after the first assault, and said, ‘I have given him (Hart) a blow enough to kill a bullock.’”

It is also believed the witness William M'Leod could say much more by a rigid examination; and, in addition, Elizabeth Lang and Sarah Lang told me “they were only “a few yards distant at the time the assault upon Hart was committed; that they heard “blows struck and heard the man fall, after which he never spoke, and then saw Fagan “drag Hart along the ground some distance under the garden fence, and then left him;” the assault being committed on the premises of Captain Moore, J.P., and within a few yards of his door. As regards my not producing witnesses at the magisterial inquiry, I have only to say that I am not aware that a single individual had any knowledge of the inquiry until after it was over.

I have, &c.,

CHARLES LUKE BAYLY.

No. 7.

SECRETARY TO CROWN LAW OFFICERS to BENCH OF MAGISTRATES, LIVERPOOL.

Crown Law Offices,

Sydney, 14 October, 1862.

GENTLEMEN,

With reference to the case noted in the margin, Mr. Attorney General Hargrave has written thereon, of which the following is a copy:—

“I think it desirable that further inquiry should take place into this matter, after “giving all parties due notice. Inform the Magistrates or Coroner of the District, “enclosing copies of letters, &c.”

Inquiry on
John Hart.
Copies of papers
herewith.

I have, &c.,

W. E. PLUNKETT.

No. 8.

6 DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL.

No. 8.

*Police Office, Liverpool,
24 October, 1862.*

Before Samuel Moore, Esq., J.P., Jeremiah Linde Jones, Esq., J.P.

PROCEEDINGS taken before the Bench of Magistrates at Liverpool, in the Colony of New South Wales, touching the death of one John Hart, who died in the Liverpool Asylum, on the 24th day of September, in the year of our Lord one thousand eight hundred and sixty-two. (Further inquiry made by order of the Attorney General for the said Colony.)

James Gallagher, ordinary constable of Liverpool, in the Colony of New South Wales, being duly sworn, on oath states:—Yesterday evening, about 6 o'clock, I received instructions from Senior Constable Redshaw to warn Mrs. Moore to attend at this Court on this day at 11 o'clock; I did not see Mrs. Moore.

Examined by Mr. Bayly: I delivered the message to Captain Moore; Captain replied by saying she would not attend.

Sworn at the Police Office, Liverpool, }
this 24th day of October, A.D. 1862, }

JAMES GALLAGHER.

Before SAML. MOORE, J.P.

JERH. LINDE JONES, J.P.

James Gallagher, ordinary constable of the Liverpool Police, in the Colony of New South Wales, being duly sworn, on oath states:—

Examined by Mr. Bayly: Yesterday morning, about 11 o'clock, I received instructions from Senior Constable Redshaw to warn Miss Eliza Moore to attend at the Court House, at 11 o'clock this day; I saw Captain Moore; I told him of the message I was sent on; I did not see Miss Moore; I did not ask to see her; when I spoke to Captain Moore he said he would ascertain about the matter.

Sworn at the Police Office, Liverpool, }
this 24th day of October, A.D. 1862, }

JAMES GALLAGHER.

Before SAM. MOORE, J.P.

JERH. LINDE JONES, J.P.

Samuel Redshaw, senior constable, of Liverpool, being duly sworn, on oath states:—

Examined by Bench: On the morning of the 24th day of September last, I went round the town of Liverpool, for the purpose of ascertaining where Hart had been drinking on the Monday previous; I went to Munro's public-house, M'Shea's public-house, Wheeler's public-house, Arundel, and Mrs. Wheelan; I informed them of the nature of my business—that an inquiry would be held that day on the body of one John Hart, and that it would take place at the Hospital in the forenoon of that day; I requested Mrs. Wheeler, Munro, and Denis M'Shea, to attend the inquiry as witnesses; I also sent Constable Sutherland to warn Robert Miller.

Sworn at the Police Office, Liverpool, }
this 24th day of October, A.D. 1862, }

SAMUEL REDSHAW.

Before SAML. MOORE, J.P.

JERH. LINDE JONES, J.P.

C. 1.

Sydney Moore, of Liverpool, in the Colony of New South Wales, being duly sworn, on oath states:—I recollect the 23rd day of September last; I recollect seeing John Hart that day; he went into Liverpool; I asked him to bring in some horses from the forge; it was about 5 o'clock in the afternoon; I saw him after he came back with the horses; he came back to Captain Moore; he was half drunk when he came back; Hart and Fagan had a few words; I was there; Hart was very abusive to Fagan; Hart swore at Fagan; I heard Fagan say he would give John Hart a smack in the face if he did not keep quiet; I saw him do so with his open hand; I cannot say whether William M'Leod saw Fagan strike him or not; Hart staggered against the stables when Fagan struck him; Hart fell on a bench near the kitchen door; Hart spoke after the blow was struck; he swore once or twice when Fagan struck the blow; he was standing alongside Hart; I took Fagan away; I told Fagan not to strike Hart again; it was a dark night; I afterwards went inside; I saw Fagan about a quarter of an hour afterwards; I heard Fagan say he would have given Hart more if I had not stopped him; I never heard Fagan say he had given a blow enough to kill a bullock; I did not see any person there excepting M'Leod, who was in the yard when the assault was committed; I only saw Fagan strike Hart once, and from the effects of it Hart fell against the slabs; I did not assist in removing Hart from the premises; there were eight or nine horses in the yard when the occurrence took place; I saw one of the horses going over the yard; the horses were brought in to be fed.

Examined by Bench: I did not see my mother in the yard when the assault took place; neither did I see my sister Eliza Moore there at the time.

Sworn before us, at the Police Office, Liverpool, }
this 24th day of October, A.D. 1862, }

SYDNEY E. MOORE.

Before SAML. MOORE, J.P.

JERH. LINDE JONES, J.P.

D.

DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL. 7

D.

William M'Leod, being duly sworn, on oath states :—I reside at Captain Moore's, in Liverpool ; I recollect being present when the occurrence took place between Fagan and Hart ; it was in the afternoon of the day, and it was nearly dark ; Hart was in the kitchen at Captain Moore's ; he seemed to be in a great rage with Fagan ; I then went up the yard, and I heard Hart coming out of the kitchen ; then I heard a scuffling sort of a noise ; I did not see any blows struck ; I was up the yard towards the middle gate ; I saw George Fagan dragging Hart some yards on the ground, coming in the direction of the back gate, and Fagan left Hart there, and after a while I said to Fagan—" We had better take Hart into the kitchen " ; so then Fagan took Hart under his arms, and took hold of his feet, and carried him into the kitchen ; Hart was speechless at this time ; Hart appeared to me under the influence of liquor ; when he first came home he was noisy, and he was singing ; Hart was a man of peculiar habits ; I have often seen him in a funny sort of manner ; when I first heard the scuffle I heard Hart's voice ; I then saw Fagan dragging ; I did not afterwards hear Hart speak ; it might be five minutes after I heard the scuffle that I saw Fagan dragging Hart ; Miss Moore was in a yard off the other yard.

Examined by Bench : I cannot say whether she saw it ; there were some horses in the yard at the time ; I believe the horses did not injure Hart.

WILLIAM MACLEOD.

Sworn at the Police Office, Liverpool, }
this 24th day of October, A.D. 1862, }

Before SAM. MOORE, J.P.
JERH. LINDE JONES, J.P.

Robert Miller, of Liverpool, being duly sworn, on oath states :—

Examined by Mr. Bayly : I recollect, on or about the 23rd day of September last, I think it was on a Monday, I saw John Hart on that evening, between 5 and 6 o'clock ; I considered him to be sober when I saw him ; he was fetching home some horses from the smith's shop to Captain Moore's ; he went into William M'Shea's public-house ; on that evening he drank a pint of ale, and one part of another ; afterwards he said he must go home with his horses ; Hart was sober at that time.

ROBERT MILLER.

Sworn at the Police Office, Liverpool, }
this 24th day of October, A.D. 1862, }

Before SAML. MOORE, J.P.
JERH. LINDE JONES, J.P.

Sarah Lang, being duly sworn, on oath states :—

Examined by Mr. Bayly : I live in Liverpool ; I recollect, on or about four weeks from last Monday, I was against the kitchen, outside of Captain Moore's fence ; it was about half-past 8 o'clock in the evening ; I went out to call my little boy ; John Hart called him back again, and told him if he was frightened to go home he would go home with him ; with that Hart was talking loud ; I afterwards heard some blows struck ; I believe they were struck by George Fagan ; I heard Fagan speaking to Hart ; I heard Fagan state to Hart, when he was dragging Hart, and that he was a damned old rascal, and that if he spoke another word he would give him more than what he gave him ; I saw Fagan dragging Hart ; he dragged him about six yards ; I was talking to Miss Moore through the fence at the time ; Miss Moore had her face towards me ; I was talking to her from the other side of the fence ; I saw Mr. Sydney Moore, M'Leod, and Fagan in the yard.

Examined by Bench : Fagan was walking about with a candle at the time ; I saw some horses in the yard ; they were at the dray, and some of them playing about the yard.

Examined by Mr. Bayly : Hart never spoke after I saw him dragged into the yard ; I heard Hart shouting out that night, just before I heard the blow struck ; I did not hear Hart swearing or singing.

her
SARAH × LANG.
mark.

Sworn at the Police Office, Liverpool, }
this 24th day of October, A.D. 1862, }

Before SAML. MOORE, J.P.
JERH. LINDE JONES, J.P.

Elizabeth Lang, being duly sworn, on oath states :—

Examined by Mr. Bayly : I am the daughter of Sarah Lang ; I recollect somewhere about the 23rd day of September last, just about dark, I heard a row ; I heard it on Captain Moore's premises ; I was with my mother at the time, close to Captain Moore's kitchen ; I was outside the fence ; I heard some blows struck in Captain Moore's kitchen ; after the blows were struck I heard a sound as if some person had fallen ; I afterwards saw old Jack Hart lying on the ground ; I saw in the yard at the time Mr. Sydney Moore, Willie, and George ; I saw Miss Eliza Moore at the time talking by the chimney

8 DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL.

chimney in the yard to my mother ; she had her back towards the yard, talking to my mother through the fence ; I was looking through the fence when I saw Jack Hart lying on the ground.

Examined by Bench : It was a dark night ; I saw a candle in the yard, near the dray ; I did not see Captain Moore in the yard.

Sworn at the Police Office, Liverpool, }
 this 24th day of October, A.D. 1862, }
 Before SAML. MOORE, J.P.
 JERH. LINDE JONES, J.P.

her
 ELIZABETH × LANG.
 mark.

Michael Meehan, of Liverpool, being duly sworn, on oath states :—I recollect somewhere about the 23rd day of September last ; I cannot say what day of the week it was ; I was outside of Captain Moore's premises ; it was about a quarter past 8 o'clock in the evening ; I did not see John Hart on that occasion ; I saw Miss Eliza Moore on that evening ; I was not on the premises of Captain Moore ; I was not a witness to any assault having been committed on Captain Moore's premises ; I was not hanging about the premises about that day ; I cannot say how far I was away from Captain Moore's premises ; I should say about fifteen or sixteen yards ; I did not hear the voice of John Hart on that occasion ; I did not hear the voice of George Fagan ; I did not see George Fagan on that night, neither did I see John Hart ; I had been alongside of Captain Moore's fence ; I was there about five minutes ; I did not see John Hart dragged along the ground ; I was not in the enclosure of Captain Moore's premises.

Sworn at the Police Office, Liverpool, }
 this 24th day of October, A.D. 1862, }
 Before SAML. MOORE, J.P.
 JERH. LINDE JONES, J.P.

his
 MICHAEL × MEEHAN.
 mark.

B 2.

James Smith, of Liverpool, being duly sworn, on oath states :—I am a duly qualified medical man ; I received a patient of the name of John Hart in the Benevolent Asylum, on or about the 23rd day of September last ; he was brought in about half-past 10 o'clock ; I examined John Hart, and I found him to be in a dying state ; he died in the hospital on the morning of the 24th of September last, between 12 and 1 o'clock in the morning ; I attended a magisterial inquiry on the 24th of last month ; I made a *post mortem* examination of the body on the same day, before giving evidence ; I opened and examined the head, chest, and abdomen ; I found two abrasions on the head and face, and one on the right side of the head, and one on the forehead ; I should say, from the appearance of the head, that the abrasions I found there could not have occasioned death ; after a *post mortem* examination, I am of opinion that John Hart died of effusion of blood on and under the brain ; I am of opinion that the effusion of blood found on and under the brain could not have been occasioned by blows ; the abrasions were superficial.

Examined by Bench : I am of opinion that, to a man that had been drinking, a blow would be likely to cause effusion of blood to the head ; sometimes a very slight blow would cause it ; I know that John Hart had been drinking for four or five days before he was brought to the hospital.

Sworn at the Police Office, Liverpool, }
 this 24th day of October, A.D. 1862, }
 Before SAML. MOORE, J.P.
 JERH. LINDE JONES, J.P.

JAS. SMITH.

This is the paper, marked B 2, referred to in the deposition of James Smith, taken before me, this 15th day of November, A.D. 1862.

CHAS. BETHEL LYONS, Coroner.

No. 9.

VOTES No. 92. 31 OCTOBER, 1862.

3. MR. W. FORSTER to ask THE COLONIAL SECRETARY,—
- (1.) Has any communication been made to the Government, or to the Attorney General, relative to the alleged sudden and mysterious death of a man named Hart, a few weeks since, while in the service and upon the premises of Captain Moore, J.P., of Liverpool ?
 - (2.) Was any inquest held upon Hart's body, or magisterial investigation made at the time into the circumstances of Hart's death ?
 - (3.) If so, by whom, when, and where ?
 - (4.) Was there any *post mortem* examination, or was any—and, if any, what—medical man present at such inquest or investigation ?
 - (5.) What was the result ?
 - (6.) Has any further inquiry been ordered, or is any intended, by the Government ?

1st Nov., 1862.

No. 10.

DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL. 9

No. 10.

ATTORNEY GENERAL to COLONIAL SECRETARY.

BENCH of Magistrates, Liverpool, forwarding Proceedings taken before them as to death of John Hart.

THE depositions shew that the Government had anticipated the inquiry made by Mr. Forster, that a *post mortem* examination did take place, and that the medical evidence shews the cause of death to have been apoplexy. Nothing appears about any debt by the deceased to any one.

B.C. 3/11/62.

JOHN F. HARGRAVE,
Attorney General.

No. 11.

DR. SMITH to ATTORNEY GENERAL.

Liverpool, 4 November, 1862.

SIR,

I write with reference to the case of John Hart, who died at Liverpool, and upon whose body a magisterial inquiry was held on the 24th September, afterwards an adjourned inquiry on the 24th October, at the instance of a Mr. Bayly, as to the cause of death. I examined the head, and found a large quantity of coagulated blood under the anterior lobes of the brain, from rupture of the vessels, which may have been caused by the back of the head coming in contact with the ground; there was an abrasion of the skin on the forehead, which may have been caused by a blow, but which was not sufficient to cause death; there was also a wound on the back of the head—a scalp wound—which may have been caused by a fall backwards—a fall backwards would cause such an injury as was witnessed in Hart's brain, from which there was the effusion of blood. The history of the case I received was, that he was an ale drinker, had been drinking three or four days, and the night previous to his death had slept in the bush. Captain Moore, I understand, first gave his evidence as a witness—afterwards acted as a Magistrate in examining the witnesses—and knowing all the circumstances connected with the case, avoided all allusion to the probability of a fall causing the injury to the brain.

As regards Mr. Bayly's further evidence, it was only what he heard at a *public house*, of which he is a very frequent visitor; he appeared to be intoxicated when examining the witnesses, yet was allowed by the Magistrates to conduct the proceedings. It appears that Captain Moore and Mr. Bayly are on unfriendly terms, and Mr. Bayly wishes to expose some members of Captain Moore's family; one daughter was required by Mr. B. as a witness, but the father objected to her appearance.

There are only two Magistrates resident in this district, who from their age, &c., are no better than old women. It would be advisable to appoint as Magistrates some resident gentlemen who are in a more independent position, and who would be more willing and not afraid to do their duty.

I shall be most happy to give any further information.

I am, &c.,
JAS. SMITH.

No. 12.

W. FORSTER, Esq., M.L.A., to ATTORNEY GENERAL.

*Union Club, Sydney,
7 November, 1862.*

SIR,

With reference to certain inquiries which have been lately held at Liverpool, before some of the local Magistrates, into the circumstances connected with the death of a man named Hart, I do myself the honor to state that I have been since informed that Henry Browne, Henry Lang, senior, and Henry Lang, junior, all of Liverpool,—who allege themselves to have been present at the affray between Hart and Fagan, soon after which Hart died; and that the true details of this affray, and of the violence done by Fagan to Hart, have not been fully given in evidence,—were not examined at any of the inquiries above mentioned.

I am further informed that Captain Moore himself, on whose premises the affray in question took place, and who was cognizant of many of the circumstances, was not only not examined, but conducted the inquiry himself, with another Magistrate upon the Bench. Also, that Robert Salter,—a wardsman in the Liverpool Hospital, where Hart died, who alleges that he is prepared to contradict the medical testimony of Dr. Smith in certain particulars,—was not examined.

Under these circumstances, I have the honor to inquire whether the Government will consider it their duty to institute a further investigation, and to commit the same to a Coroner or Magistrate not accustomed to take part in the proceedings of the local Bench.

I have, &c.,
WILLIAM FORSTER.

10 DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL.

No. 13.

ATTORNEY GENERAL to W. FORSTER, Esq., M.L.A.

*Attorney General's Office,
Sydney, 13 November, 1862.*

SIR,

In reply to your letter of the 7th instant, I beg to state that I have received a letter from Dr. Smith, of Liverpool, which (with your own communication) has induced me to direct an inquest to take place before Mr. Lyons, on the body of the late James Hart, when I doubt not all the reports you allude to will be satisfactorily inquired into.

I remain, &c.,

JOHN F. HARGRAVE.

No. 14.

SECRETARY TO CROWN LAW OFFICERS to CORONER, PARRAMATTA.

Sydney, 13 November, 1862.

THE Attorney General has directed that you shall hold an inquest immediately on the body of the late John Hart, of Liverpool, with medical examination other than Dr. Smith. The papers will be forwarded.

No. 15.

CORONER, PARRAMATTA, to SECRETARY TO CROWN LAW OFFICERS.

Parramatta, 14 November, 1862.

I AM waiting for the promised papers in Hart's case. I have issued my warrant to exhume the body. Reply as soon as possible.

No. 16.

SECRETARY TO CROWN LAW OFFICERS to CORONER, PARRAMATTA.

Sydney, 14 November, 1862.

THE papers in Hart's case have now been forwarded by post to your address.

No. 17.

CORONER, PARRAMATTA, to SECRETARY TO CROWN LAW OFFICERS.

*Parramatta, 17 November, 1862.**Inquiry into the cause of the death of John Hart.*

SIR,

Immediately on receipt of your communication, I made the necessary arrangements for holding the inquest required.

As the case was an unusual one, and as I anticipated an adjournment, I was anxious to have a respectable jury of persons who had a fixed residence. I succeeded in both particulars.

The matter, so far as it goes, assumes quite a different aspect to that which it bore before the inquest.

I took Dr. Pringle, a highly accomplished medical practitioner, with me.

The inquest stands adjourned until Tuesday, the 16th proximo, for the evidence of two most material witnesses—Sydney Edward Moore and William M'Leod.

The man George Fagan, who struck the deceased, has gone to Queensland.

I have, &c.,

CHAS. BETHEL LYONS,

Coroner.

No. 18.

CORONER, PARRAMATTA, to ATTORNEY GENERAL.

*Parramatta, 17 December, 1862.**John Hart, deceased.*

SIR,

The inquest held by me, pursuant to your instructions in this matter, terminated yesterday in a verdict of manslaughter against one George Fagan.

The

DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL. 11

The papers, which are voluminous, will be forwarded so soon as I have arranged them; but, as this matter has been before the Parliament which is about to close its present session, I deem it my duty to forward to you this information without any delay.

I have, &c.,
CHAS. BETHEL LYONS,
Coroner.

I have issued my warrant for the apprehension of Fagan.—C.B.L.

No. 19.

CORONER, PARRAMATTA, to ATTORNEY GENERAL.

Parramatta, 17 December, 1862.

Inquest on John Hart.

SIR,

On the 13th November I received a telegraphic message from your Secretary, requesting me to hold the above inquest immediately.

I telegraphed for the papers.

Immediately on receipt of the papers I put myself in communication with Sub-Inspector Singleton, and telegraphed to the police at Liverpool to endeavour to stop witnesses Moore and M'Leod, who, I was informed, were about to start for the diggings.

I engaged the services of Dr. Pringle, as requested by you, took him to Liverpool with me, and paid his railway fare.

I was occupied the afternoon of the 13th, and the whole of the 14th November, in making the necessary arrangements for the exhumation of the body, &c., &c.

On the 15th November I went to Liverpool by first train, and was occupied the whole day, from early morning until evening, in holding the inquest, which was necessarily adjourned until yesterday for the evidence of Moore and M'Leod.

I communicated with the Goulburn police, and forwarded, through the Parramatta police, summonses to these witnesses.

Yesterday, 16th December, I again went to Liverpool by first train to proceed with the inquest, and was again occupied the whole day.

My actual expenses for telegraphic messages, railway fares, postage, expenses at Liverpool, &c., &c., &c., have been about £3.

I have been occupied in this matter, which was special and entirely out of the routine of my public duties, three whole days and part of two other days.

I receive no salary.

Unless I am paid a reasonable sum for my time and outlay, I shall be many pounds out of pocket.

Several of the jury said that I was fairly entitled to ten guineas.

Under these circumstances, I have the honor to request that you will have the kindness to certify hereon, what sum I am, in your opinion, entitled to for performing this special duty out of my district, in order that I may forward this letter, with your memorandum thereon, with my quarterly accounts.

It will be necessary that I should have this letter returned as early as possible, as the year is nearly at an end.

I have lately been requested, as you will see by inquest No. 7, November 29th and December 1st, returned to your office, to hold another inquest at Liverpool, and had to make two journeys; but, as I was not actually out of pocket, I put up with the loss of time, &c., being anxious to attend to requests, and perform my duties as Coroner as efficiently as possible.

This will not create a precedent, as the Coroner and even the jury in Sydney have been paid for their attendance upon inquests held under unusual circumstances, and of unusual duration.

I have, &c.,
CHAS. BETHEL LYONS,
Coroner.

I think the sum of £10 10s. is a reasonable compensation for Mr. Lyons' expenses and time in this inquest; but the matter is for the Honorable the Colonial Secretary.

JOHN F. HARGRAVE,
Attorney General.

B.C., 19th Dec., /62.

I fully concur. The demand may be paid.—C.C.
The Attorney General. B.C., 23rd Dec.

[Enclosures

12 DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL.

[Enclosures in No. 19.]

Colony of New South Wales, }
 County of Cumberland, }
 Liverpool, to wit.

INQUIRY held at the Police Office, at Liverpool, in the county of Cumberland, in the Colony of New South Wales, this 16th day of December, 1862, before me, Charles Bethel Lyons, one of the Coroners of our Sovereign Lady the Queen, for the Colony aforesaid, on view of the body of John Hart, then and there lying dead. Upon the oaths of Stephen Pearce (Foreman), Peter Muntow, William M'Kie, Stephen Whiteman, James Druce, James Gillespie, George Curtis, Samuel Forbes, John Hatfield, John Boyle, Thomas Wearne, Thomas Cahill, and Jonas Wheeler, good and lawful men of aforesaid; who, having been sworn and charged to enquire (on the part of our said Lady the Queen) when, where, how, and by what means, the said John Hart came to his death, do, upon their oaths, say that the said John Hart was feloniously, wilfully, and unlawfully killed and slain by one George Fagan. The jury are of opinion, unanimously, that the two magisterial inquiries into this matter were conducted in a very unsatisfactory manner, and that in future all such inquiries should be held before a Coroner and a jury.

In witness whereof, as well the said Coroner as the jurors aforesaid, have to this inquisition set and subscribed their hands and seals, this day and year aforesaid.

CHAS. BETHEL LYONS, Coroner. (L. s.)

STEPHEN PEARCE, Foreman. (L. s.)

THOMAS CAHILL, WILLIAM M'KIE, THOMAS WEARNE, SAMUEL FORBES, G. H. CURTIS, STEPHEN WHITEMAN, JAMES DRUCE, JOHN HATFIELD, JAMES GILLESPIE, JOHN BOYLE, JONAS WHEELER, PETER MUNTOW,	}	Jurors.
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The jury, after they were sworn, and before any evidence was taken, viewed the premises of Captain Moore.

CHAS. BETHEL LYONS, Coroner.

Colony of New South Wales, }
 County of Cumberland, }
 Parramatta, to wit.

INFORMATION and depositions of witnesses, taken on oath, before me, Charles Bethel Lyons, one of the Coroners of our Sovereign Lady the Queen, for the Colony of New South Wales, this 15th day of November, 1862, at the Police Office at Liverpool, in the said Colony, on view of the body of John Hart, then and there lying dead.

Thomas Pearce, having been sworn, states:—I am a butcher, and reside in this town; I have seen the body lying in the coffin, in the yard; it is the body of John Hart; I knew him for fourteen or fifteen years; I have no doubt of the identity; I know him to have been in the service of Captain Moore.

THOS. PEARCE.

Taken and acknowledged the day, year, and }
 place, first before written. }

CHAS. BETHEL LYONS, Coroner.

Samuel Moore, having been sworn, stated:—I am a Magistrate, and reside in this town; I have been already examined once in this matter; this was my deposition (*marked A*); I know the deceased, John Hart; he was residing on my premises, on charity, at the time immediately preceding his death; I have known him twenty-five years ago; he was my assigned servant at that time; on the 22nd of September last (Monday), in the evening, between 7 and 8 o'clock, I was sitting at tea with my family, when my attention was attracted by shouting, singing, and most blasphemous expressions, proceeding from the kitchen (I believe) which the jury have seen this morning; I called a man who was on the premises, named George Fagan, to tell the deceased, John Hart, that unless he discontinued the noise and the expressions I should send him to the lock-up; I had recognized the voice as that of the deceased; I have no personal knowledge of anything that took place further on that day; the deceased was thoroughly drunk, I am quite sure of that, from my long acquaintance with him; on the following morning I went into the kitchen spoken of, and saw the deceased lying on the floor, covered with blankets, breathing very hard; I spoke to him, and not receiving any answer, I supposed he had not recovered the effects of intoxication; I left him; I have seen him several times in the same state; he was much addicted to drink, and of intemperate habits; when he was drunk he would act precisely as he did on this occasion, making a noise, using offensive language, and being very violent, when he lay down until he recovered, therefore I thought nothing of it; I was told the next morning the man was very ill, and sent for the senior constable Reidshaw to have him removed, which he was, in my covered cart, to the hospital; I never saw him again alive.

By the Foreman: I did not see the deceased on the 22nd of September, merely heard him; on the 24th of September I went to the dead-house, in the hospital, and saw the body of the deceased; there was an abrasion on the centre of the forehead; I saw no other marks of violence; there might have been, but I did not look for them; no person pointed any wound on the deceased to me; I heard George Fagan, when he was examined on the first enquiry, on the 24th of September, acknowledge that he had struck the deceased with open hand; I think he said on the head; he had not been cautioned before he gave evidence; I should take the deceased to be between sixty and seventy.

SAM. MOORE.

Taken and acknowledged before me, the day, year, }
 and place first before written. }

CHAS. BETHEL LYONS, Coroner.

James Smith, having been sworn, stated:—I am a legally qualified medical practitioner, and in charge of the Liverpool Hospital; I have been examined twice before in this matter; the papers marked respectively

DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL. 13

respectively B 1 and B 2 contain the evidence which I gave on those occasions, and each bears my signature; on the 23rd of September the deceased came into the hospital; he was almost dead when admitted; I was told he was found in the bush (by Constable Gallagher); I examined him to see what was the matter with him; I saw that he was suffering from some injury to his head; I saw two abrasions—one on the right side of the temple, the other on the left side of the forehead, over the eye; there was a wound on the back of the head, a contused wound; it appeared to have been caused by a fall; I tried all I could to rouse him, but could not; he was quite insensible when admitted; I believed the insensibility was caused by effusion on the brain; a fall might have caused effusion on the brain; he died about twelve hours after admission; I made a *post mortem* examination; on opening the head I found a very large quantity of coagulated blood under the anterior lobes of the brain—quite sufficient to cause death; I opened the heart; I found nothing there to account for death; the vessels of the brain were ruptured—this rupture might have been caused by the man falling flat on his back; when he came in contact with the ground the brain would be thrown up—tilted up, and that might the more easily have occurred in this case, as the deceased's brain was rather soft; in such a case the fall might have been the cause of death; a blow and a fall to a person of intemperate habits might cause effusion on the brain; in this case I should think a blow alone would; I attribute the cause of death to effusion of blood on the brain, the blow and the fall.

By the Jury: I do not think a fall of one foot three inches would have caused effusion on the brain.

By Coroner: I did not notice any dust or dirt on the back of the head.

By the Jury: A person sitting on a seat, near the slabs of a hut, and receiving a blow which knocked his head against the slabs, would not have received the injuries which I found on the head—I think not—even if a violent blow; if a person had dragged the deceased along the ground violently, the deceased being on his back, death might have been caused thereby—that is, the effusion on the brain; the deceased was insensible from the time of his admission into the hospital until he died; neither of the abrasions would have caused death; it is quite possible that the deceased might have become insensible immediately on receiving the injury to the back of his head.

JAS. SMITH.

Taken and acknowledged before me, the day, year, }
and place first before mentioned. }

CHAS. BETHEL LYONS, CORONER.

George Hogarth Pringle having been sworn, stated:—I am a legally qualified medical practitioner; I have made a *post mortem* examination of the body of the deceased, upon which a *post mortem* examination had previously been performed; the head, chest, and abdomen had been opened, and the viscera generally cut up and so decomposed as to render it impossible to recognize their condition at the time of death; the integuments were too much decomposed to recognize any external injury, with the exception of those of the head, in which I observed a small contused wound on the back part of the left side of the head; the incision made on the previous *post mortem* had passed through this wound, so that it is impossible for me to say whether the wound reached the bone, but my impression is that it did not; I have examined the bones of the skull and the upper part of the spinal cord and the chest most carefully; there is no sign of a fracture anywhere; it is utterly impossible that any one could have passed a finger through the skull into the brain, there is no orifice to enable him to do so; from Dr. Smith's evidence I infer that death was caused by effusion of blood on the brain; how that effusion was caused I cannot tell; I believe that a very inconsiderable blow or fall, to a person of the age and habits of the deceased, as I have heard them described, would precipitate the rupture which caused effusion on the brain—that is, an injury no greater than that on the deceased's head might have done so; the wound at the back of the head, immediately after the injury, might become so turgid as regards the edges as to enable a person to put his forefinger into the wound; this might be the case until twenty-four hours after death.

G. HOGARTH PRINGLE.

Taken and acknowledged before me, the day, }
year, and place first before written. }

CHAS. BETHEL LYONS, CORONER.

Sarah Laing having been sworn, stated:—I am the wife of Henry Laing, blacksmith in this town; I have given evidence in this matter once before; I was sworn and made my mark, but I cannot read, and cannot recognize my mark; seven weeks ago last Monday I went to Captain Moore's premises after my little boy; I called him out; he was in the kitchen; John Hart, who is now dead, called him back; my little boy is eight years old in February; he has been to school for a fortnight; he goes to church; he cannot say his prayers or his catechism; when I called my little boy (Henry) I was standing on the outside of the fence, near the chimney of the kitchen; I saw George; I do not know his surname; he was called "little George"; he was a labouring man; he had been in the service of Captain Moore; I heard a blow which sounded as if it came from the kitchen; I did not see who gave the blow, or who received it; Miss Moore afterwards called me to the fence above the chimney, that is nearer to Mrs. Brown's house, and nearer the coach-house—between the water-closet and the coach-house; I saw George dragging John Hart on his hands and face towards the little gate going up to the back yard; I think he had him by the arms; I have known George two or three years, and should know him again; George said to John Hart, "A damned old scamp, if I hear another word out of your head to-night I will give you more than you have got;" there were some horses in the yard; I was at the fence about a quarter of an hour; I was looking through the fence into the yard, talking to Miss Moore, who was standing in the little garden where the closet is; this could not have taken place without Miss Moore seeing and hearing it; I asked Miss Moore what was the noise; Miss Moore said it was John Hart who was being dragged up; I could see through the slabs into the kitchen; there was a light; Miss Moore could see what took place in the yard from where she stood; she did not continue in the same posture, she often turned round.

By the Jury: Miss Moore came to me when I called the boy; I had heard no high words before she came; George was walking about the yard with a candle after he had dragged John Hart; I saw Mr. Sydney Moore and William M'Leod in the yard; after George had dragged John Hart about six yards he threw him down alongside the little fence which enclosed the garden and the water-closet; he let him down; I cannot say whether John Hart's face was down or up.

her
SARAH × LAING.
mark

Taken and acknowledged (after being read over)
to the witness, the day, year, and place first }
before written, before me. }

CHAS. BETHEL LYONS, CORONER.

Elizabeth

14 DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL.

Elizabeth Laing, being duly sworn, stated:—I am the daughter of Sarah Laing. (This witness was too young and too ignorant of everything she ought to know to be examined.)

CHAS. BETHEL LYONS,
Coroner.

Dr. James Smith re-called:—The wound at the back of Hart's head did not present the appearance of a hole; it was rather lacerated, presenting the appearance of two wounds; you could not put a quill into any part of the wound; it was not swelled.

JAS. SMITH.

Taken and acknowledged, the day, year, and place }
first before written, before me. }
CHAS. BETHEL LYONS, Coroner.

Robert Salter, having been sworn, stated:—I am a wardman of 3rd ward of the Liverpool Hospital; I recollect John Hart arriving on the 23rd of September last; I saw Dr. Smith examine the body after death; there was a wound at the back of the head, on the left side; a bruise on the right temple—a very severe bruise, as if from a heavy fall; another bruise on the right cheek, not so severe; this was also, I think, from a fall—the same fall; I think the same fall occasioned both; that a blow on the back knocked him down forwards, and occasioned both the bruises; I know nothing of surgery or medicine; I spoke to John Hart after he came in; he did not answer; I never heard him speak after he came in; I saw no dust or dirt on either of the injuries; I believe he was in hospital about twenty-four hours.

ROBERT SALTER.

Taken and acknowledged before me, the day, year, }
and place first before written. }
CHAS. BETHEL LYONS, Coroner.

Eliza Moore, having been sworn, stated:—I am the daughter of Captain Samuel Moore, of this town; I recollect the time of the death of John Hart; it was at the end of September last; on the evening before his death I heard a noise about eight o'clock at night, or after; I was standing near the fence at the chimney, at the bush end of our premises; I was speaking to Mrs. Laing; John Hart was making a noise; there was another man there, George Fagan; he had some slight quarrel with John Hart; I saw no blows struck; I had my back turned to the place where the noise and quarrel took place; I could not see anything at all; I made no observation to Mrs. Laing as to what was taking place; I did not say to Mrs. Laing, in reply to a question from her, that "it was John Hart who was being dragged up"; it was quite dark; I did not see any blows struck; I heard the loud talking; John Hart was swearing; I heard both Hart and Fagan quarrelling with each other; I had my face from the yard, and I never moved the whole time; there were some horses against the gate where I wished to go out; I could not move if I wished to move; there were nine or ten horses in the yard, which is a small one.

By the Jury: My back was towards the yard; I was in the little garden between the yard and the fence; Mrs. Laing called me to her; there was loud talking; Hart was in liquor, swearing and using very bad language; I have seen John Hart as bad, and worse than he was that night; Mrs. Laing did not call my attention to Fagan drawing Hart along the ground; Hart, Fagan, my brother, Sydney Edward Moore, and William M'Leod, were there; I saw John Hart in the kitchen after the row took place; I did not see the horses; I saw a light in the yard; I heard no noise between Hart and Fagan; the horses were making a noise; I defy any person to hear anything for the horses; Hart came home about 7 o'clock; he was not sober.

ELIZA MOORE.

Taken and acknowledged before me, the day, year, }
and place first before written. }
CHAS. BETHEL LYONS, Coroner.

Henry Moore, seven years old, a very intelligent boy, was called, but he did not understand the obligation of an oath; he appeared to have seen the whole, and to give a very consistent and most probable account of the whole matter.

CHAS. BETHEL LYONS,
Coroner.

Adjourned until Tuesday, the 16th day of December next.
The jury bound to attend on that day, in recognizances of £40 each.

CHAS. BETHEL LYONS,
Coroner.

Liverpool Police Office,
Tuesday, 16 December, 1862.

Adjourned Inquest on John Hart.

All the jury were in attendance.

Sydney Edward Moore, having been sworn, stated:—I am the son of Captain Moore of this town; I have been examined twice already respecting the death of John Hart; the two papers marked respectively C 1 and C 2 are my depositions on the two occasions; I know John Hart; I had known him several years; I recollect a few days before I made my first deposition within a day or two; in the evening of the day alluded to I saw George Fagan slap John Hart; they were in the yard behind my father's house; Hart commenced it first, some dispute or other about something; Hart got up first to fight Fagan; Hart came outside to fight Fagan; I should think George Fagan is about thirty years old; he is a strong man; he had taken something to drink on this occasion; I dare say he knew what he was about; John Hart was a good age, I dare say about seventy; he was pretty strong; I think he had injured his constitution by intemperance; John Hart fell when he got the slap; Fagan might have struck him on the side of the face; John Hart was standing up when he was struck; he remained out on the ground for a short time, about a quarter of an hour; we removed him in to the kitchen, I and Collins removed him; Hart remained in the kitchen for some time, until morning, when he was taken to the Asylum; I never heard him speak from the time he was slapped until he was taken to the Asylum; William M'Leod was there when Hart was struck, no one else that I know of; I did not hear Fagan say that he would strike Hart again, nor anything to that effect; I saw John Hart the following morning; he was then as we left him the previous night, in a stupid state, lying in the same place in which we had placed him; the time I have been speaking of was the day before Hart was removed to the Asylum; I never saw him alive again.

By

DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL. 15

By the Jury: It was nearly dark; there was a candle; Hart was standing when I saw him; after Hart was struck by Fagan I went into the house and got my tea; it was after this that I helped Collins to take Hart into the kitchen; I don't know what was done while I was away; I think he (Hart) fell on a bench that was there; I never noticed any blood at all on the man; Hart, Fagan, William M'Leod, and Robert Collins were about the premises at the time, or shortly after Hart was struck; I heard some person on the fence by the back gate, I thought it was George Thompson, but I do not know; this was when Hart was struck; there was a zinc or galvanized iron bucket; Hart fell backwards; he did not fall against a bucket, he perhaps fell against the bench; Hart was partly drunk; Hart called Fagan an "Irish bugger" before he was struck; my horses were in the yard, but I should say that the horses did not kick or injure the deceased; William M'Leod could see as much as I did of the matter; I did not see Fagan or M'Leod handle Hart after he was struck; a person at the fence outside could see through the fence what took place in the yard; I saw Fagan slap Hart in the face with his open hand; I did not see Hart strike Fagan, no, no, no; I did not think anything serious had occurred to Hart; my father came out to the little garden gate and went back; I have often seen Hart in liquor; he was quarrelsome and abusive when in liquor; Hart was at my father's house while he was looking for a place; I did not see either of my sisters there at the time Hart was struck; I saw Hart about half-past twelve at night; he was still lying as we left him; he was frothing at the mouth.

SYDNEY E. MOORE.

Taken and acknowledged before me, the day, year, }
and place first before written.

CHAS. BETHEL LYONS, Coroner.

William M'Leod, having been sworn, stated:—I am in the service of Captain Moore; I know George Fagan and John Hart; I have been examined before in this matter; the paper marked D is my deposition; at least the signature, William M'Leod, at the bottom of it, is my writing; I recollect an inquiry at the hospital about John Hart's death; a day or two before that inquiry I saw John Hart in the evening, nearly dark, coming out of the kitchen at Captain Moore's; he appeared to be in a rage with George Fagan; he went back towards the kitchen; I went up the yard; I heard a noise by the kitchen door; shortly after that I saw George Fagan dragging John Hart along the ground by the arms from the kitchen towards the middle gate, some yards; he let him lie there; he went back towards the kitchen; Hart was noisy, singing, before the scuffle—that is, the noise by the kitchen door; never heard him speak after; I said to Fagan, to be dragging the man like that along the ground was a shame; he stopped then, and went away, and let him be; I had my tea; after tea I said to George Fagan, "You had better come and carry this man in"; Fagan came out of the kitchen and took Hart's arms, and I took his feet and carried him into the kitchen, and laid him down on some bags of chaff; he was breathing very heavy; his eyes were shut; he never spoke; I called him as loud as I could; I never heard him speak again; I think Miss Moore (Miss Eliza Moore) was in the kitchen after we carried him in; I never saw him alive again; I think George Thompson was outside the fence about the time of the scuffle, on his pony; I do not think he could see, from where I supposed him to be, what took place at the kitchen door; there was no other person but Fagan and Hart near the kitchen at the time I heard the scuffle; the scuffle was a few minutes before Fagan dragged Hart by the arms; during those few minutes there were no other persons about; if there had been, I think I should have seen them.

By the Jury: I had my tea at Captain Moore's that night; I saw Mr. Sydney Moore feeding his horses at the time of the row; I saw blood on Hart; he was only carried in once, and then by me and Fagan; there was a light in the kitchen; Hart was under the influence of liquor; the yard is pretty hard; I think Hart was on his side when he was dragged; his head might have been injured by stones or bricks lying in the yard; I have often heard Hart say he did not like Fagan; I did not see Captain Moore in the yard that night; I do not think Mr. Sydney Moore was in the yard when Hart was dragged; it was probably half an hour between the time of the scuffle and Hart being carried in; I did not see Collins that night; there were brickbats and stones in the yard.

WILLIAM M'LEOD.

Taken and acknowledged before me, the day, year, }
and place first before mentioned.

CHAS. BETHEL LYONS, Coroner.

Collins was called, but knew nothing.—C. B. L.

No. 20.

ATTORNEY GENERAL to COLONIAL SECRETARY.

Inquest on John Hart, at Liverpool, before C. B. Lyons, Coroner, Parramatta.

I HAVE perused all these papers, and as the jury have found a verdict against Fagan, and on additional evidence, I agree with their rider, that it is very desirable to have verdicts of juries in every case requiring investigation into cause of death; magisterial inquiries being only resorted to in districts where no Coroner resides, and being very incomplete and inefficient in their procedure.

I do not however, see any great reason to blame the Magistrates who held the Liverpool enquiry, certainly not until the trial has settled the facts in the matter itself more accurately than has been effected by the Coroner's jury.

JOHN F. HARGRAVE,

B.C., 7th January, 1863.—W. E. P.

Attorney General.

No. 21.

CORONER, PARRAMATTA, to SECRETARY TO CROWN LAW OFFICERS.

Parramatta,

29 January, 1863.

John Hart's Inquest.

DEAR SIR,

I handed my warrant to Sub-Inspector Singleton; told him all I knew of George Fagan's whereabouts, and referred him to senior constable Samuel Redshaw, of Liverpool, for further information. I have heard nothing of the matter since, therefore I presume he has not been apprehended and is still at large.

Yours, &c.,

CHAS. BETHEL LYONS.

No. 22.

16 DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL.

No. 22.

W. FORSTER, ESQ., M.L.A., to COLONIAL SECRETARY.

*Brush Farm, Pennant Hills,
19 May, 1863.*

SIR,

With reference to the case of John Hart, which I had the honor of bringing under your notice in the Legislative Assembly last session, and the circumstances of whose death, after having been ostensibly the subject of two magisterial investigations at Liverpool, were partly on my representation, inquired into at an inquest held before Mr. C. B. Lyons, Coroner for the District, which resulted in a verdict to the effect that the said John Hart had been killed by George Fagan, I do myself the honor to request that I may be favoured with information on the following points, namely:—

1. What steps have been taken towards the apprehension or pursuit of Fagan?
2. What steps have been, or will be taken in regard to the two Magistrates—Messrs Moore & Jones—concerned in the magisterial investigations above referred to?
3. Has the conduct of Dr. Smith, who gave evidence both at the magisterial investigations and inquest, been in any way the subject of inquiry or animadversion by the Government.

I have, &c.,

WILLIAM FORSTER.

For report of the Attorney General.—B.C., 21st May.—C. C.

No. 23.

ATTORNEY GENERAL to PRINCIPAL UNDER SECRETARY.

W. Forster, M.P., respecting inquest on John Hart held at Liverpool, before Mr. Coroner Lyons.

THE facts of this case are so easily misunderstood, and will be so much elucidated by the future proceedings and trial, that I find it impossible, and I think it would be premature to form any conclusive opinion, as to the credibility of any of the witnesses, or as to any of the facts at issue.

Under such a state of circumstances, as to the details and merits of the case itself, it would be very unjust even to "*animadvert*," as Mr. Forster suggests, upon the conduct of any of the parties concerned.

JOHN F. HARGRAVE,

Attorney General.

B.C., 25th May, 1863.—W. E. P.

No. 24.

PRINCIPAL UNDER SECRETARY to INSPECTOR GENERAL OF POLICE.

*Colonial Secretary's Office,
Sydney, 27 May, 1863.*

SIR,

I am directed by the Colonial Secretary, to request that you will state what steps were taken for the apprehension of George Fagan, against whom a verdict was found by the Coroner's jury, some time ago, at Liverpool.

I have, &c.,

W. ELYARD.

No. 25.

INSPECTOR GENERAL OF POLICE to PRINCIPAL UNDER SECRETARY.

*Police Department,
Inspector General's Office,
Sydney, 6 June, 1863.*

SIR,

I have the honor to report, as requested in your letter, dated the 27th ultimo (without number), that the usual steps were taken to ensure the arrest of George Fagan, against whom a verdict was returned by a Coroner's jury at Liverpool.

Superintendent Chatfield informs me that a warrant was issued, but the offender is believed to have previously left the Colony for Queensland; his description and other particulars were published in the *Police Gazette*, and circulated for the information of the police in this Colony and Queensland, but as yet without success.

I have, &c.,

JNO. M'LERIE,

Inspector General of Police.

[Enclosure]

DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL. 17

[Enclosure in No. 25.]

Detective Office, Sydney,
4 July, 1863.

RE GEORGE FAGAN—MANSLAUGHTER.

In the absence of the Superintendent of the Detective Force, the Clerk in Charge has the honor to report, for the information of the Inspector General of Police, that a magisterial inquiry was held by J. S. Jones, Esq., J.P., at the Liverpool Asylum, on the 24th September last, touching the death of John Hart, labourer, a *post mortem* examination of the body was made by Dr. Smith, and a verdict of "died of apoplexy" returned; subsequently, and by order of the Honorable the Attorney General, another inquiry was held, at the Court House, Liverpool.

The result of that inquiry not being deemed satisfactory, the body of Hart was exhumed on the 15th November, and another *post mortem* examination made by Dr. Pringle; and on the day following an inquest was held before C. B. Lyons, Esq., Coroner of Parramatta, and a jury of thirteen; and again by adjournment on the 16th December, in order to obtain the attendance of a witness who was absent in the country, when a verdict of manslaughter was returned against George Fagan, and a warrant issued by the Coroner for his arrest.

Particulars of this case were received from Mr. Superintendent Chatfield, in the usual form, on or about the 18th December, and a description of the offender was published in the *Police Gazette*, and circulated throughout New South Wales and the whole of the Australian Colonies.

From subsequent enquiries made by the detective police, it has been ascertained that the offender Fagan left Sydney for Brisbane, Queensland, under the assumed name of George M'Kie. This information was tested, found to be correct, and a special communication upon the subject transmitted to the Police Magistrate at Brisbane, with a request that the police of that district might at once be set in motion to trace the offender. Full particulars were also transmitted by telegram to the Chief Constable of Brisbane, but no information has yet been received of the whereabouts of the offender.

The Inspector General of Police,
Sydney.HENRY WAGER,
Clerk in Charge.

No. 26.

TWENTY-FIVE POUNDS REWARD.

WHEREAS George Fagan, whose personal description is hereunder given, is charged on warrant, issued by C. B. Lyons, Esq., Coroner of Parramatta, with the manslaughter of John Hart, at Liverpool, on or about the 24th September last: Notice is hereby given, that the above reward will be paid by the Government, for such information as will lead to his apprehension.

CHARLES COWPER.

Colonial Secretary's Office,
Sydney, 17 July, 1863.*Description above alluded to:—*

Age, 32 years; height, 5 feet 2 or 3 inches; dark hair; small whiskers; dark eyes and complexion; speaks with an Irish accent; a labourer.

No. 27.

To all Constables and others, Her Majesty's Officers of the Peace, within the Colony of
New South Wales.

Parramatta, }
to wit. }

WHEREAS by an inquisition taken before me, one of Her Majesty's Coroners for the said Colony of New South Wales, this sixteenth day of December, in the town of Liverpool, in the said Colony, on view of the body of John Hart, there and then lying dead, one George Fagan, late of Liverpool aforesaid, labourer, stands charged with having feloniously, willfully, and unlawfully killed and slain the said John Hart:

These are therefore, by virtue of my office, in Her Majesty's name, to charge and command you and every of you, that you, or some, or one of you, without delay, do apprehend and bring before me, the said Coroner, or one of Her Majesty's Justices of the Peace for the said Colony, the body of the said George Fagan, of whom you shall have notice that he may be dealt with according to law, and for your so doing this is your warrant.

Given under my hand and seal, at Parramatta, in the Colony of New South Wales, this sixteenth day of December, one thousand eight hundred and sixty-two.

(L.S.) CHAS. BETHEL LYONS,
Coroner.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

DEATH OF JOHN HART IN BENEVOLENT
ASYLUM AT LIVERPOOL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
2 *March*, 1864.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1864.

[*Price*, 1s. 4d.]

444—A

1863-4.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 49. TUESDAY, 15 SEPTEMBER, 1863.

13. Death of John Hart in Benevolent Asylum at Liverpool :—Mr. Macpherson 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 conduct and proceedings of certain Magistrates at Liverpool, with reference to the death of John Hart, in the Benevolent Asylum at Liverpool, on or about 23rd September, 1862; and also upon the conduct and proceedings of the same Magistrates with reference to the arrest, trial, and conviction of Mrs. Laing, who was sentenced, in or about the month of February last, to one month's imprisonment in Parramatta Gaol, for abusive language.
- (2.) That such Committee consist of Mr. Cowper, Mr. Bell, Mr. Buchanan, Mr. Dalgleish, Mr. W. Forster, Mr. R. Forster, Mr. Hart, Mr. Lucas, Mr. Harpur, and the Mover.
- Question put and passed.

VOTES, No. 54. WEDNESDAY, 23 SEPTEMBER, 1863.

4. Death of John Hart in Benevolent Asylum at Liverpool :—Mr. Macpherson (*with the concurrence of the House*), moved, without notice, That the papers lately laid on the Table of this House, with reference to the death of John Hart at Liverpool, be printed, and referred to the Committee appointed to inquire into the matter.
- Question put and passed.
- Ordered to be printed.

VOTES, No. 68. THURSDAY, 26 NOVEMBER, 1863.

5. Death of John Hart in Benevolent Asylum, Liverpool :—Mr. Macpherson (*with the concurrence of the House*), moved, without notice, That Mr. W. Forster be added to the Select Committee now sitting on this subject.
- Question put and passed.

VOTES, No. 71. WEDNESDAY, 2 DECEMBER, 1863.

5. Death of John Hart in Benevolent Asylum, Liverpool :—Mr. Macpherson (*with the concurrence of the House*), moved, without notice, That the Return laid before this House on 7th August, with reference to the imprisonment of Mrs. Laing, be referred to the Committee appointed to inquire into that matter and the death of John Hart, in the Benevolent Asylum, Liverpool.
- Question put and passed.

VOTES, No. 118. WEDNESDAY, 2 MARCH, 1864.

3. Death of John Hart in Benevolent Asylum at Liverpool :—Mr. Macpherson, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee, for whose inquiry and report this subject was referred on 15th September, 1863, together with Appendix.
- Ordered to be printed.

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1863-4.

**DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT
LIVERPOOL.**

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 15th September, 1863, “to inquire into, and report upon the conduct and proceedings of certain Magistrates at Liverpool, with reference to the death of John Hart, in the Benevolent Asylum at Liverpool, on or about 23rd September, 1862; and also upon the conduct and proceedings of the same Magistrates with reference to the arrest, trial, and conviction of Mrs. Laing, who was sentenced in or about the month of February last, to one month’s imprisonment in Parramatta Gaol, for abusive language,”—with power to send for persons and papers,” to whom was referred, on the 23rd of the same month, a Return to Address laid upon the Table on the 21st August, 1863,—with reference to the death of John Hart at Liverpool,”—and to whom, on the 2nd December, 1863, was also referred,—the Return laid before this House on 7th August, with reference to the imprisonment of Mrs. Laing,—have agreed to the following Report:—

Your Committee having taken into consideration the documentary evidence referred to them, and examined the witnesses, whose names appear in the margin, are of opinion—

1st. With reference to the death of John Hart in the Benevolent Asylum at Liverpool,—

That Samuel Moore, Esq., J.P., and Jeremiah Lindé Jones, Esq., J.P., were guilty of highly culpable negligence, in the very lax and unsatisfactory character of the two several inquiries held by them, with reference to the death of John Hart, whereby George Fagan, who was subsequently found guilty by a Coroner’s Jury of having “feloniously, wilfully, and unlawfully killed and slain the said John Hart,” escaped from the hands of justice, to which there is no probability of his being restored.

That, in the opinion of your Committee, the conduct of Capt. Moore was more culpable than that of Mr. Jones, as there is evidence of his knowledge of the violent altercation which took place on the premises of Capt. Moore, between the deceased John Hart and George Fagan, on the night before the death of the former—which may have been unknown to Mr. Jones—prior to the first inquiry.

Mr. Stephen Pearce.
Mr. James Smith (surgeon)
Mrs. Sarah Laing.
Mr. Henry Laing.
Mr. Thos. Duke Allen.
Mr. George White.
Constable Jas. M’Cullum.
Constable Donald
Sutherland.
Mr. Jeremiah Lindé Jones

2nd.

2nd. With reference to the imprisonment of Mrs. Laing,—

It appears, on evidence, that the offence for which she was imprisoned, viz., the use of obscene language in a public place, occurred in the verandah of her own house in Liverpool, which is opposite that of Capt. Moore; that it arose out of a quarrel between Mrs. Laing and her husband on the subject of a small sum of money for which Capt. Moore had become indebted to them, and had several times failed to redeem his promise to pay; that Capt. Moore overheard the quarrel between Mrs. Laing and her husband, and some time after it was over, and Mr. Laing had left his house; that Capt. Moore proceeded there, accompanied by a constable, entered the house, and directed the constable to arrest Mrs. Laing and place her in the lock-up, without any information having been laid, or a warrant or summons granted; that this order of Capt. Moore was carried into effect, and that Mrs. Laing was detained from Thursday, 26th February, to Monday, 1st March, 1863, when she was tried for the offence before Mr. Jones, J.P., by whom she was sentenced to one month's imprisonment in Parramatta Gaol, for obscene language, without the alternative of any fine; that, after two days further detention in the Liverpool lock-up, she was remanded before Mr. Jones, J.P., and informed that she could avoid the imprisonment by paying a fine of £1, which she declared her inability to do; and suffered one month's imprisonment accordingly.

Your Committee are of opinion,—

- 1st. That Capt. Moore was very highly culpable in mixing himself up, in his Magisterial capacity, in a quarrel between Mr. and Mrs. Laing, which manifestly arose out of a matter in which he was personally interested.
- 2nd. That he was still more culpable in causing Mrs. Laing to be arrested in her own house some time after the commission of the offence, without any information having been laid, or summons or warrant granted.

Your Committee are further of opinion that Mr. Jones was much less culpable in this matter than Capt. Moore, but that he was culpable in a minor degree,—

- 1st. In having, in the first instance, inflicted a sentence of imprisonment on Mrs. Laing, without the alternative of a fine, which was manifestly illegal.
- 2nd. In the character of the sentence itself, which, in the opinion of your Committee, was much more severe, considering the inability of Mrs. Laing to avail herself of the ultimate alternative of a fine, than the nature of the offence demanded.

Under

Under all these circumstances, your Committee are of opinion that the conduct of these gentlemen, and more particularly of Capt. Moore, demands the immediate consideration of the Government, with a view to the removal of their names from the Commission of the Peace.

•
Legislative Assembly Chamber,
Sydney, 2nd March, 1864.

ALLAN MACPHERSON,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 23 SEPTEMBER, 1863.

MEMBERS PRESENT :—

Mr. Macpherson,	|	Mr. Harpur,
Mr. Lucas,	|	Mr. Buchanan.

Mr. Macpherson called to the Chair.

Votes containing Order for the inquiry before the Committee.
Committee deliberated.

Motion made (*Mr. Lucas*) and *Question*,—That the Chairman move in the House, that the Papers lately laid on the Table of this House, with reference to the death of John Hart, at Liverpool, be printed and referred to the Committee appointed to inquire into the matter—*agreed to*.

Re-assembling of the Committee to be arranged by Chairman.
[Adjourned.]

WEDNESDAY, 2 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Macpherson in the Chair.

Mr. Harpur,	|	Mr. Buchanan,
Mr. R. Forster.		

Committee met pursuant to summons.
Deliberation ensued.

Ordered,—That the following witnesses be summoned for Wednesday next:—

Dr. James Smith, of Liverpool,	} to produce Papers.
Mr. George White,	
Gaoler of Parramatta Gaol,	
Lock-up Keeper at Liverpool,	
Mr. Stephen Pearce,	
Mr. and Mrs. Laing.	

Intimation to be sent to J. L. Jones, Esq., J.P., and Sam. Moore, Esq., J.P., of the day and hour of meeting.

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

WEDNESDAY, 9 DECEMBER, 1863.

MEMBERS PRESENT :—

None.

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

FRIDAY, 11 DECEMBER, 1863.

MEMBERS PRESENT :—

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

THURSDAY, 17 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Macpherson in the Chair.

Mr. R. Forster,		Mr. Hart.
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Committee met pursuant to summons.

Chairman laid before the Committee letter from J. L. Jones, R.N., requesting that his absence at Goulburn, on urgent private business, will not be considered any intentional disrespect to the Committee.

Mr. Stephen Pearce called in and examined.

And

And in the course of examination, Mr. R. Forster objecting to a portion of the Evidence being received,—

Witness requested to withdraw.

Committee deliberated, and decided that the portion of evidence objected to, be received.

Witness recalled, and examination resumed.

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

WEDNESDAY, 23 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. Macpherson in the Chair.

Mr. Hart, | Mr. R. Forster,
Mr. Buchanan.

Mr. James Smith, *Surgeon to Benevolent Asylum, Liverpool*, called in and examined.

Witness withdrew.

Mrs. Sarah Laing called in and examined.

Witness withdrew.

Mr. Stephen Pearce called in and further examined.

Witness withdrew.

Mr. Henry Laing called in and examined.

Witness withdrew.

Committee deliberated.

Motion made (*Mr. R. Forster*) and *Question*,—That the undermentioned witnesses, who have been twice summoned from Liverpool to give evidence before this Committee, be allowed their travelling expenses, viz. :—

Mr. Stephen Pearce,

Mr. James Smith,

Mr. Henry Laing,

Mrs. Sarah Laing—*agreed to.*

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

THURSDAY, 7 JANUARY, 1864.

MEMBERS PRESENT :—

Mr. Macpherson in the Chair.

Mr. Cowper, | Mr. Hart,
Mr. Bell.

Committee met pursuant to summons.

Mr. Thomas Duke Allen, *Gaoler, H.M. Gaol, Parramatta*, called in and examined.

Warrant of committal of Mrs. Sarah Laing for one calendar month *handed in.*

Witness withdrew.

Mr. George White, *C.P.S., Parramatta*, called in and examined.

Depositions in the case of Mrs. Laing produced by, and returned to, witness. (*Vide Appendix.*)

Witness made a verbal application for payment of expenses incurred by attending on the Committee on three several occasions, and

Having been recommended to apply to the head of his department, withdrew.

Mr. James M'Cullum, *Constable, Liverpool*, called in and examined.

Witness withdrew.

Mr. Donald Sutherland, *Constable, Liverpool*, called in and examined.

Record book of prisoners in the Liverpool Lock-up—*produced.*

Witness withdrew.

Mr. Jeremiah Lindé Jones, J.P., examined.

Witness withdrew, and

Committee deliberated.

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

WEDNESDAY,

WEDNESDAY, 2 MARCH, 1864.

MEMBERS PRESENT :—

Mr. Macpherson in the Chair.

Mr. R. Forster, | Mr. Buchanan.

Committee met pursuant to summons.

Claim for expenses incurred in attending the Committee, by Mr. Stephen Price, late acting Gaoler at Parramatta, considered.

And the Committee being of opinion that Mr. Stephen Price ought rather to have applied to the Minister at the head of the department under which he belonged,—

Further consideration of the claim dropped.

Allowance of travelling expenses to certain other witnesses summoned before this Committee, further considered.

Resolved,—That the undermentioned witnesses from Liverpool be allowed travelling expenses, at the rate of 7s. per diem, on occasion of each attendance on the Committee :—
S. Pearce, Mr. and Mrs. Laing, Dr. Smith.

Chairman submitted Draft Report.

Draft Report read 1^o.

The same read 2^o paragraph by paragraph.

Certain amendments made.

Motion made (*Mr. R. Forster*) and *Question*,—That the Report, as amended, be the Report of this Committee,—*agreed to*.

Chairman to report.

EXPENSES OF WITNESSES.

Name of Witness.	Profession or Condition.	From whence Summoned.	Number of days in attendance on the Committee.	Expense of journey to Sydney and back.	Total expenses allowed to Witness.
Stephen Pearce	Butcher	Liverpool ...	2	£ s. d. 0 14 0	£ s. d. 0 14 0
James Smith	Surgeon	Do.	2	0 14 0	0 14 0
Henry Laing	Blacksmith	Do.	2	0 14 0	0 14 0
Sarah Laing	Wife of Henry Laing.	Do.	2	0 14 0	0 14 0
					£2 16 0

LIST OF WITNESSES.

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(To Evidence given by Mr. T. D. Allen, 7th January, 1864.)

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1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

DEATH OF JOHN HART IN BENEVOLENT ASYLUM
AT LIVERPOOL.

THURSDAY, 17 DECEMBER, 1863.

Present:—

MR. R. FORSTER, | MR. HART,
MR. MACPHERSON.

ALLAN MACPHERSON, ESQ., IN THE CHAIR.

Mr. Stephen Pearce called in and examined:—

1. *By the Chairman*: You were foreman of the jury at the investigation which took place at Liverpool on the 16th December, 1862? I rather think the first inquiry was in November. Mr. S. Pearce.
2. I am speaking of the inquest? I am speaking of the first meeting of the inquest; we adjourned for a month. 17 Dec., 1863.
3. The inquisition is dated 16th December, 1862? That was when we gave our decision.
4. It took place before Mr. Charles Bethel Lyons, Coroner for Parramatta, and you were foreman of the jury? Yes.
5. Do you remember the verdict at which the jury arrived? The verdict was manslaughter against George Fagan, and we added a rider to the verdict.
6. Do you remember whether these are the words of the rider:—"The jury are of opinion unanimously that the two magisterial inquiries into this matter were conducted in a very unsatisfactory manner, and that in future all such inquiries should be held before a Coroner and a jury"? That was it.
7. Will you state to the Committee the grounds, or as many of them as you conveniently can, on which the jury arrived at the conclusion that the two magisterial inquiries in this matter were conducted in a very unsatisfactory manner? It was the way and manner they conducted it—the way they hushed it up—the way the witnesses were brought before them. I was present at one of the inquiries, and I believe nearly the whole of the jury were present. Some of the witnesses they threatened to commit for contempt, and also Mr. Bailey, who had some authority from the Attorney General to bring the witnesses forward—they threatened to commit him for contempt of Court. There was a woman of the name of Laing, a witness; she gave her evidence, as I thought, in a straightforward manner both there and before the jury, and one of the Magistrates said he knew enough of her—he did not want to hear so much of her tongue—he had heard enough of that. He said that in public, and I did not think it right.
8. Did I understand you to say that the evidence of any of the witnesses was rejected at the previous inquiry? It was, and I will tell you how I know. I heard one of the constables of the name of Gallagher give his evidence; he said he was authorized to tell one of the Miss Moore's and Mrs. Moore to attend, and that he told Capt. Moore, who said they should not attend, or one of them should.

- Mr. S. Pearce. 9. Then I understand you to say that the jury were of opinion that evidence had been rejected by the Magistrates at the previous inquiry which they ought to have taken? They did reject them, but we had them; I know we had one of them.
- 17 Dec., 1863.
10. You have stated that in the belief of the jury the Magistrates had hushed up the inquiry? Yes, it appeared so to the jury—no doubt of it.
11. Can you afford a suggestion as to any probable reason for having hushed up that inquiry? I might surmise a good deal.
12. The jury could hardly have come to such a conclusion as that the inquiry was hushed up without some grounds—can you state some of them? It appeared to the jury that they did not wish the case to be brought forward at all. It appeared to the jury that they wanted to hush it up, and one of the Magistrates stated —
13. *By Mr. Hart*: What Magistrate? Mr. Jones publicly stated that if the evidence which came before the jury had come before him on the first inquiry, he would have committed the man for manslaughter; and he had the same witnesses to examine at the inquiry as we had—in fact he had more witnesses than we had.
14. *By the Chairman*: What I wish to ascertain is what grounds the jury had for assuming that these gentlemen had any interest in hushing up this matter? It was well known to the jury that this Fagan was in the employ of Capt. Moore, and it was thought by some of the jury too—I would not like to speak of it; it is rather a delicate point—criminal intercourse was thought between some of the family. It was a well known fact to the jury, but it is so long ago I cannot recollect well; it was a well known fact to the jury that the Magistrates tried to hush it up, for all the town got up in arms about it. I never saw the Court House so crowded as on both days the jury sat.
15. I understand you to state to the Committee that the jury were under the impression that Capt. Moore had a personal interest in suppressing inquiry into this? Decidedly he had.
16. And that personal interest, I understand you to say, arose from a presumed intimacy between Fagan and a member of his family? I did not say quite all that. It is so long ago I cannot remember exactly.
17. *By Mr. Hart*: Will you state, of your own knowledge, what reasons Capt. Moore had for suppressing any inquiry into this matter, or the prosecution of Fagan? The first was that we knew well that Capt. Moore was a witness, and he sat as a judge on the second inquiry. He was objected to on the Bench and would not leave it. We knew that for a fact. He sat there with Mr. Jones and was objected to; he said he was a Magistrate and would sit there. We knew he gave his evidence on the first inquiry.
18. Were there any other reasons for suppressing the inquiry? I should say not allowing the witnesses to be examined in a proper way before them.
19. *By Mr. R. Forster*: His wife and daughter had been sent for, and he refused to let them come? He said he would not allow them to come. I heard him say myself, the morning we were going to sit, it was much ado about nothing, to the Coroner; as much as to say there is a great deal to do and no harm in it.
20. *By Mr. Hart*: You have stated that the Court House was crowded, and that there was a great deal of excitement on the day of the first inquiry? No, of the second inquiry by the Magistrates.
21. What was it gave rise to this excitement on the part of the public? The public were certain in their own minds that this man was killed by Fagan.
22. *By the Chairman*: At the second inquiry the Magistrates returned a similar verdict? I do not know what their verdict was; we were given to understand that the man died of apoplexy.
23. *By Mr. Hart*: You were going on to assign some other reasons—what were they? It was talked about that Capt. Moore owed this Fagan a sum of money for wages; nothing of that came before the jury.
24. What position did Fagan hold in Mr. Moore's family? He was a labouring servant.
25. Had he been there long? He had been there some years—perhaps four or five.
26. How old was he? I should say from thirty to thirty-five, a short, stout, strong man. The other man, who was killed, was in my employ; I knew him to be a harmless old man.
27. Was Fagan on terms of intimacy with Mr. Moore's family? By reports; being neither pillow nor bolster I cannot say.
28. *By Mr. R. Forster*: Has Capt. Moore more than one daughter living with him? He has one now; he had more at that time; one of them that appeared in the witness-box before me, was confined a little while after.
29. Was that Miss Moore that was confined? Yes, she is married now.
30. Was that the female that was supposed to be on intimate terms with this man Fagan? No, it was her sister.
31. *By Mr. Hart*: I did not understand you to say that any of Capt. Moore's family were on intimate terms with Fagan? I believe they were both intimate—I do not mean in a criminal way—not both of them—but it is surmised that one of them was. I do not say she was. I should be very sorry to say it, but there have been some criminal actions with one of them, from the way she figured before us; and she has had three or four children within the last four or five years. She has got married now. One of her sons appeared before us; he is called Henry Moore—a bright, sharp little fellow. I think some one tutored him before he came into Court, because I had heard him say the Lord's Prayer, and the Creed too, as well as I could say it myself, and when he came into Court he could not say the Lord's Prayer. We could not take down his evidence; but he gave a different version to any one; he said he saw Hart struck, and knocked down on a bucket, and dragged up the yard by the arm.

32. Did both of Capt. Moore's daughters reside with him? Yes; and his son, Sydney Moore, was there that night. He gave very different evidence before his father from what he did before us. He swore on one of the inquiries that Hart spoke after he was struck, and then he swore before us that he never spoke after he was struck, and he swore that he carried the man in, when he never carried him in. Mr. S. Pearce.
17 Dec., 1863.
33. *By the Chairman:* Do you remember what means were set in motion to obtain the third inquiry? I believe it was through Mr. Forster.
34. In what way was Mr. Forster set in motion—I believe you applied to me first? Yes. My son, I believe, went to you first.
35. What was the purport of his communication to me? As far as I could understand, it was to have the body exhumed, and to have an inquest.
36. Was not an intimation given to me that the inhabitants of Liverpool were not satisfied with the two inquiries, and wished another to be held? Yes, they wished an inquest to be held.
37. Was not a portion of the intimation that I would request Mr. Forster to bring the matter before the House? Yes. Another thing has just come to my memory:—At the second inquiry Mr. Bailey was there for the examination of the witnesses. The Magistrates adjourned the Court; Mr. Bailey was then quite sober, but it was believed that, as the Magistrates knew that Mr. Bailey would drink, they adjourned the Court, in order that he might go to the public-house and get some drink; he did so, and when he came back he was quite a different man.
38. The second magisterial inquiry is distinct from the inquest? Yes; I am alluding to the second magisterial inquiry, when Mr. Bailey objected to Captain Moore sitting on the Bench, he being a witness. I can remember Mr. Jones speaking to me the day after we gave our verdict; he said, "How have I done wrong, Pearce?" I said, "To put the man into the witness-box." He said, "Where else was I to put him?" I said, "He ought to have been put in the gaol, not in the witness-box."
39. *By Mr. Hart:* Where was the first investigation held as to the cause of this man's death? I do not know; it was kept in the dark. I never heard anything about it until after the man was buried; the way it was hushed up the first time caused the second inquiry.
40. Have any inquests been held lately respecting persons who have died suddenly at Liverpool? Often; I have often been on juries.
41. What is the course pursued in making these inquiries? I do not rightly understand you.
42. Is the jury summoned? Yes.
43. Have you been present when jurors have been summoned to assist the Coroner in holding an inquest? I have often been summoned. I am upon three out of four of the inquests that are held; being in the middle of the town I am generally called upon.
44. Was that course adopted in this case when the inquiry was held before Capt. Moore? No, there was no jury at all, that was only a magisterial inquiry.
45. *By the Chairman:* Was the second inquiry in open Court? Yes.
46. That second inquiry was in consequence of a representation having been made to the Government? Yes, the second and third.
47. The second was in consequence of an appeal to Government by Mr. Bailey? Yes.
48. And the third by Mr. Forster? Yes.
49. *By Mr. Hart:* Do you know Dr. Smith, the medical attendant at Liverpool Asylum? I do.
50. Have you full reliance upon his evidence in a matter of this kind? That was the first time I saw him upon any inquest where I have sat.
51. Are there other medical men in the town who usually give evidence upon inquests? Yes.
52. They have given evidence upon former occasions? Yes.
53. Yet on this occasion Dr. Smith was summoned? Yes; before Dr. Pringle came from Parramatta.
54. I observed in the first inquiry held before Mr. Jones and Capt. Moore, the following passage in Dr. Smith's evidence occurs:—"I am of opinion that John Hart died of effusion of blood on and under the brain; I am of opinion that the effusion of blood on and under the brain could not have been occasioned by blows." Do you recollect on the second inquiry his stating that he attributed Hart's death to "effusion of blood on the brain—the blow and the fall"? Yes, I do; I think I recollect something of that.
55. So that these two statements are quite contrary? Yes—I put a question on the inquest, and I do not think it is down; it was whether there would be any difference in the appearance where a person died from apoplexy and where they died from a fall or blow and an effusion of blood on the brain, and he said there was very little difference. Dr. Smith was no doubt made a catspaw of, for one of the constables told him that Hart had got drunk and slept in the bush in order to get him into the asylum.
56. *By Mr. R. Forster:* Did you hear that from Dr. Smith? From one of the constables. I also put the question to Dr. Pringle* about the effusion of blood on the brain, and he said there would be very little difference in the appearance whether a man died from apoplexy or from a fall or blow.
57. *By Mr. Hart:* How soon after the inquiry did Fagan leave the district—was it before or after the warrant was issued against him? Long enough before; he was not there when the jury sat; if he had been I would have had him taken up.

* NOTE (on revision):—Either Dr. Pringle or Dr. Smith.

Mr. S. Pearce. 58. *By Mr. R. Forster*: Was he there at the time of the first inquiry? Yes; he was a witness at the first inquiry; that was when I told Mr. Jones he ought to be put into gaol instead of into the witness-box.

17 Dec., 1863.

59. *By Mr. Hart*: Do you state that a grandson of Capt. Moore was brought forward to give evidence before the Coroner? Yes.

60. What was his name? He goes by the name of Henry Moore.

61. Why do you say he goes by the name of Henry Moore? Because his father's name is Brown—his mother's name is Moore.

62. Why was his evidence not taken down? I believe he was as competent to take an oath as I was, but when he was brought forward he said he could not repeat the Lord's Prayer.

63. You stated, I think, that you were acquainted with the boy, and had some conversation with him before the inquest? Somebody was present and heard him repeat the Lord's Prayer; he was a very intelligent boy.

64. *By the Chairman*: Is he the son of Eliza Moore? A son of Miss Eliza Moore. I put the question to him, "Did you see the man dragged up the yard by the hair of his head, or by his collar?" and he said that Fagan caught him by the arm and dragged him. That is the same evidence as Mrs. Laing gave. The yard was covered with stones and bricks enough to bump anybody's brains out. I also put the question to him, "Now, Henry, did he strike him so?" (*with the flat of the hand*), and he said "No; he struck him so," (*with the clenched fist*.) "Did he fall?" "Yes; he fell off the bench on to one of the galvanized iron buckets." That would account for the wound in the head no doubt.

65. *By Mr. Hart*: Fagan has not yet been apprehended? Not that I have heard, and I do not believe he will be. You will see a placard offering £25 reward for his apprehension.

66. Had you any conversation with Capt. Moore upon this matter? I did not; I never spoke to him about it.

67. Was the Mrs. Laing who was brought before Messrs. Jones and Moore, for using improper language, the person who gave evidence on the inquiry? The same.

68. Do you know anything of that matter personally—her getting a month in gaol? No, I was not present when she got a month.

69. Is she a respectable woman? Her husband is a freeholder, and has been for many years. I have known him ever since I was a boy; he is a respectable man. She sometimes does drink a little, but there are worse characters than she is.

70. *By Mr. R. Forster*: This charge against Mrs. Laing, upon which she was sent to gaol, was brought after she had given evidence at the inquest? Yes.

71. You said in answer to a question just now that Capt. Moore had two daughters living with him? At that time.

72. Were either of them married? Not at that time.

73. Both of them have had children? I know one has had three or four; the other, they say, had a child by a half-caste. There is no secret about it; it is a common report about Liverpool.

74. Has this been generally known among the people? As common as that I live there.

75. How many Magistrates residing in the district have you had on the Bench besides Capt. Moore? Very seldom any one besides Mr. Jones. Mr. Bossley was a Magistrate before he went to England, but he would not sit with Capt. Moore.

76. *By Mr. Hart*: Is Capt. Moore Police Magistrate? No, there is no Police Magistrate there.

77. *By Mr. Buchanan*: Is he the most frequent attendant at the Court? He and Mr. Jones are.

78. *By Mr. Hart*: In your opinion, from what you have known of him in this matter and other matters alluded to in your evidence, is he a proper person to remain in the Commission of the Peace? I do not think either of them is, for one has lost his intellect, and the other has never had any since he has been a Magistrate. I am not the only one who thinks so. I have no ill feeling against Capt. Moore, indeed I have been a good friend to him; and Mr. Jones and myself are good friends.

79. *By Mr. R. Forster*: Do you know whether there was any impression on the public mind at the time, that Capt. Moore knew all the circumstances—that he was aware of everything that occurred with regard to Hart's death? Decidedly; you will see by that evidence that Sydney Moore swore that he helped to carry Hart; when we had ——— before us he swore, but we did not take it down, that he was not there till after Hart was carried into the kitchen; and M'Leod swore that he and Fagan carried him in. I had to get quite warm with Capt. Moore's son. He said, in answer to a question, that it might be or might not. I said, "That is not a proper way to answer the question." His father was ordered to leave the Court the second time. One of the jury told him to his face he would not believe him on his oath. Thomas Wearne told him so. He swore that he knew nothing about it till the next morning, and Wearne told him he would not believe it on his oath. He said he heard a noise but that he did not know anything about the matter till the next morning. His son swore afterwards that his father came to the gate, and that he saw him looking over the gate.

80. *By Mr. R. Forster*: What is the name of the constable who was told to tell Dr. Smith that Hart lay in the bush all night? Redshaw told Sutherland, but Sutherland went to the Asylum; that is the way I understood it. He stated that he had been lying in the bush all night, in order to get him into the Asylum. Dr. Smith stated in his evidence that it was Constable Gallagher, but Gallagher afterwards told me that it was not him, and when the inquiry came on I had it cleared up. Redshaw told me that when Capt. Moore sent to him he told him to take the man to the lock-up, and he answered, that the man was more fit to go to the hospital than to the lock-up.

81. Do you know if Fagan was in Liverpool at the time the second investigation took place? *Mr. S. Pearce,*
I am not positive.
82. What time elapsed between the first and second magisterial investigation—The first ^{17 Dec., 1863.}
appears to have taken place in the month of September? Probably the second would be
about the end of October.
83. You do not know of your own knowledge where Fagan was stopping at this time until
he left Liverpool? It was supposed he was stopping at Capt. Moore's.
84. Capt. Moore is living in the town of Liverpool? Yes.
85. Does Mr. Jones live in the town of Liverpool? No, at Fairfield, a little more than
four miles from Liverpool.
86. Where was the second inquiry held? In the Police Office.
87. Where was the inquest held? In the same place.
88. Did Capt. Moore remain on the Bench the whole time the second inquiry was
proceeding? Yes; it was objected to by Mr. Bailey. I remember when Dr. Smith was
being examined he objected to answer Mr. Bailey, and Capt. Moore and Mr. Jones both
told him he must answer him, for he had authority from the Attorney General to examine
witnesses.
89. *By Mr. Hart:* He took part in the case? Yes.
90. *By the Chairman:* In Capt. Moore's evidence before the inquest, he says, "I have
no personal knowledge of anything that took place farther on that day." Was it with
reference to that portion of his evidence that Mr. Wearne said he would not believe him on
his oath? No, he said he knew nothing about this case till the next morning, and Wearne
told him he would not believe him on his oath, that a man should be in that state on his
premises, close to him, and he know nothing about it.
91. *By Mr. R. Forster:* Is Mr. Bailey in Liverpool now? He is.
92. Who took down the depositions? Mr. White, in the second inquiry.

WEDNESDAY, 23 DECEMBER, 1863.

Present:—

MR. HART,

MR. R. FORSTER,

MR. BUCHANAN.

ALLAN MACPHERSON, ESQ., IN THE CHAIR.

Mr. James Smith called in and examined:—

93. *By the Chairman:* You are the surgeon of the Liverpool Benevolent Asylum? Yes. *Mr. J. Smith.*
94. Were you there in September, 1862? I was.
95. Do you remember being examined on the subject of the death of an old man named ^{23 Dec., 1863.}
John Hart? Yes; I was examined on that occasion.
96. Do you remember the purport of your examination at the first inquiry? Yes, I
remember it perfectly.
97. The opinion that you then formed was that deceased died from sanguineous apoplexy?
Yes, from the knowledge I then had of the case.
98. Were you aware at that time of any violence having been done to the deceased? I
was not.
99. Neither Capt. Moore nor Mr. Jones gave you information of it? No. I requested
them to read the evidence to me, but they refused.
100. Do you allude to the first inquiry? To the first inquiry.
101. You were not then aware that any violence had been offered to deceased? No; I was
told he was found in the bush.
102. By whom were you told that? By Constable Sutherland; and he was told to say
that by Constable Redshaw, I think.
103. Then in point of fact you were not aware that violence of any kind had been used
towards deceased? I was not. On the morning of the day he was admitted to the Asylum,
and about half an hour after his admission, I was in the passage, and Capt. Moore came out
of the ward. I said, "He (meaning deceased) was found in the bush." Capt. Moore
said, "No"—nothing more. Then about two or three weeks after the first inquiry I was
speaking to Constable Redshaw, and said, "You told me he was found in the bush." He
said, "Yes, I told them to say so; but we have often to tell them falsehoods to get them to
do anything." The reason he was speaking about that was that Capt. Moore was finding
fault with them for saying that deceased was found in the bush.
104. Did you observe any marks of violence on the man? A very slight mark; all the
wounds were very slight. There were some abrasions of the skin, and a slight wound at the
back of the head. With reference to that slight wound (the abrasion on the forehead) and
the cause of effusion, Capt. Moore was anxious for me to say that when deceased received
a slap on the face, and fell against the slabs, it would cause effusion. I said, "It was not
sufficient." He asked me the same question three times, and I said, "It was not sufficient."
105. Were you aware at the time of the second inquiry that violence had been used to
deceased? I had heard it rumoured, but did I not know what evidence was given.
106. Then it was not until the third examination that you became acquainted with the
whole particulars? I did not know the particulars until I got a copy of the return laid
upon the Table of the Legislative Assembly. I was not present at that examination; I was
examined myself, and then I left.

- Mr. J. Smith. 107. You may perhaps remember that in your first examination you stated, "I do not consider the blow received by deceased accelerated his death"? That is not the blow alone.
 23 Dec., 1863. Capt. Moore dictated the evidence to Mr. Jones; and that is not precisely what I did say.
108. It bears your signature? Well, I put my signature to it, but I told him then that I gave my opinion according to what I knew of the case from *post mortem* appearances. When they would not read the evidence I could not help putting my signature to it.
109. In your last evidence you say, "I attribute the cause of death to effusion of blood on the brain, the blow, and the fall"? When I said effusion of blood on the brain, Capt. Moore said, "Would you call it apoplexy." I said, "You *may* call it apoplexy—but I would like to hear the evidence read." When he got the word "apoplexy" he would not allow me to withdraw it. On the second examination he threatened to commit me for contempt of Court if I would not answer the questions as they were put to me.
110. I think the Committee are to understand from what you say that your first examination was taken as a surprise to you—that you were not acquainted with the facts? Whenever there was a doubt about a case I expected the Coroner to take it, as I expected he would take this.
111. Are you now of opinion that the cause of death arose from injuries by violence? The way deceased met his death, he must have fallen heavily backwards, so as to receive a heavy blow on the back of his head. With all this evidence I do not think you have the cause of death yet. I understood from one of the jurymen at the inquest held by Mr. Lyons, that the boy said that deceased fell over the edge of a bucket.
112. That is the grandson of Capt. Moore? Yes.
113. But the fall was caused by a blow? Yes, he got a blow.*
114. Have you any reason to believe that the Magistrates had a desire to hush up any inquiry into the matter? It looked like it by the way Capt. Moore put his questions. If I had known that he had been examined as a witness I would have refused to answer. I put the question to Mr. Jones lately: I said, "Why did you allow Capt. Moore to sit as a Magistrate, and to examine witnesses, when he had been examined himself?" He said he had made a mistake, and it could not be helped now.
115. Was Capt. Moore presumed by the public to have an interest in suppressing the inquiry? I do not know; I think so.
116. There has been a considerable amount of evidence already given on that subject; perhaps you could throw additional light on the matter? All that I have heard is, that Fagan was very intimate with one of the daughters.
117. Have you reason to believe that these young ladies were of unblemished reputation? I saw one with her fourth child in her arms.
118. Were these all illegitimate children? I believe so.
119. Was either of them a half-caste? I believe one of them had a child by a half-caste, when the father, I have understood from others, was only sixteen years of age; he was very young at any rate. That was the young one that Fagan was intimate with.
120. Are these matters to which you now allude, matters of public notoriety? They are well known.
121. At the time of the second inquiry, have you any reason to believe that there was any dissatisfaction among the inhabitants of the town with reference to this inquiry? I believe there was some dissatisfaction; a few people (Mr. Bailey's committee) met about it in a public-house. I heard that Mr. Bailey was the principal among them.
122. That was in reference to the second inquiry? To the second inquiry. I was a stranger among them at the time of the first inquiry, and they shewed no freedom in telling me anything. That was the reason I was kept so much in the dark.
123. Then I understand you to say there was an impression among the inhabitants of the town that there was a desire to hush up this matter? Well, it looked very much like it. With reference to the wound on the back of the head, Dr. Pringle in his evidence said the incision made on the previous *post mortem* had passed through the wound on the back of the head, so that it was impossible for him to say whether the wound reached the bone, but his impression was that it did not. I cut the scalp over the head from ear to ear, so that I could not make the incision through the wound at the back of the head. I saw Dr. Pringle with the wounded part on the point of his finger, and he did not notice the wound.
124. The fact is that wound was so slight that you did not notice it at first? I saw it, but the wound was very slight compared with the internal injury. I sent for the Magistrates to see the large quantity of blood on the brain, but they would not come. I shewed it to Mr. Burnside, who had seen many bodies opened, and he said I was perfectly right in what I stated.
125. *By Mr. Hart*: Are you of opinion now that death was caused by effusion of blood on the brain? Yes; but whenever I said that, during my examination, Capt. Moore said, "Would you call that apoplexy?"
126. So that he substituted words of his own for words you used? He said "Would you call that apoplexy?" I said, "You *may*, but I should like to hear the evidence read."
127. In what way do you account for the effusion being produced? From the rupture of a bloodvessel.
128. It was occasioned by violence? A fall backwards, I should say. If he fell violently on the back of his head that would produce the effusion; but as I understand it, he fell over the edge of the bucket, and got a sudden tilt.

NOTE (on revision):—The question was put to me at the inquest, if a blow with a closed fist would cause him to fall backwards?

129. But being an old man his death might more readily have been occasioned by a small Mr. J. Smith. blow than it would have been if he had been a young man in health? He was in ill health, and had been an inmate of the Asylum before; he was also addicted to drinking freely. 23 Dec., 1863.
130. Have inquests been frequently held in Liverpool on other persons? Several since then.
131. And before this occurred? Yes, I believe so. I had been there only three or four months before this occurred.
132. Have you seen anything different in the examinations before the Magistrates or Coroner since what took place in this case? When they sent for me, I have refused to attend three or four times.
133. When who sent for you? The Magistrates.
134. In which cases? Inquests and inquiries.
135. Why? I did not wish to give them any chance again.
136. In pursuing that course do you not consider you are refusing a proper duty to the public? I would not refuse to attend, if conducted in an open and fair manner; when I refused they have got Dr. Nind to attend.
137. When you speak of Magistrates, to whom do you allude? To the two—Capt. Moore and Mr. Jones.
138. Do you refuse because you have no faith in their justice or impartiality? That is the reason.
139. Do you consider they are not qualified to hold their position as Magistrates? You see my letter to the Attorney General, on page 9; I think you will get a good many of the same opinion.
140. Was the first inquiry instituted by Capt. Moore, conducted in a fair and open manner or not? It was conducted in a committee room of the Asylum; but I do not know whether it was made public or not.
141. Was notice given to any of the inhabitants to attend as jurors? I do not know there was a jury. I do not think it is necessary to have a jury in the case of an inquiry before Magistrates.
142. Have you heard Capt. Moore assign any cause why an inquest was not held in the first instance? No; Mr. Redshaw advised Capt. Moore to send for the Coroner. This was before Hart's death—the night before. Capt. Moore said he had made arrangements with Mr. Jones to hold the inquiry.*
143. Do you mean to say that Capt. Moore, apprehending that the man would die, had made arrangements with Mr. Jones for an inquiry? Yes, before his death.
144. Did Capt. Moore, in the subsequent inquiries, make himself unusually busy—in the second and third? I think he was not allowed in Court during the third inquiry; I was not allowed to make any suggestions at either inquiry.
145. Do you know a person of the name of Sarah Laing? Yes, a blacksmith's wife.
146. What is her husband? A blacksmith.
147. Is he a man of decent character or good position? I do not know anything about them.
148. Have you been long in Liverpool? About twenty months now.
149. You do not know much of the inhabitants? There are a great many that I do not know anything about.
150. Did you see the little boy—Henry Moore—who was called upon to give evidence? No, I did not. When I had been examined I left.
151. *By the Chairman*: I understand you have carefully read these returns in reference to the death of John Hart in the Liverpool Benevolent Asylum? Yes, I have read them.
152. *By Mr. R. Forster*: You say in your first evidence, "I do not consider the blow received by deceased accelerated his death"—what do you mean by that?† I do not think these are the words I used.
153. You do not think these were the words you used? No. Capt. Moore was anxious for me to say —
154. Let us have what he said to you, and what you said to him? In Sydney Moore's evidence, he said he saw Fagan strike Hart on the cheek with his open hand, and Hart was sitting at the time, and that his head went against the slabs. He (*i.e.*, Capt. Moore) wanted me to say that would be sufficient to cause effusion of blood on the brain.
155. Was Sydney Moore's evidence read over to you? No, none of the evidence.
156. And how did you come to know that Hart was sitting when he was struck? Because I read the evidence over since.
157. How came you then to make use of this expression, "I do not consider the blow received by deceased accelerated his death"? There was a slight abrasion of the skin on the face, said to be caused by a blow,‡ and that was the blow Capt. Moore alluded to.
158. Who told you he received a blow? There was an abrasion of the skin.
159. But who told you it was caused by a blow? Capt. Moore told me that Hart had had a slap in the face, and that his head had struck against the slabs. He asked me if that would be sufficient to cause the effusion, and I said it would not.
160. Speaking as a professional gentleman, should you say, from what you saw of the marks on the face, that they could be inflicted by what is called a slap? He wished to say it was with the open hand, but I would not say so.
161. But that would not inflict the wound? No, it would not; but I was pressed very much to say so.

162.

* NOTE (*on revision*):—This information I received from Mr. Redshaw on the 2nd December, 1863.

† NOTE (*on revision*):—The blow alluded to in this question was a mere abrasion on the forehead, which Capt. Moore was very anxious for me to say was the cause of the effusion.

‡ NOTE (*on revision*):—Slap with the open hand, as stated by Capt. Moore.

- Mr. J. Smith. 162. Did you particularly examine the wound at the back of his head? Yes.
163. And what was the character of that? It was like two small wounds, neither of which would admit of the introduction of a crow quill.
- 23 Dec., 1863. 164. Was it immediately beneath the scalp? The wound was a scalp wound, and was at the back; I made the incision over the head, and the effusion was under the anterior part of the brain.
165. In your second evidence you say John Hart died of effusion of blood on and under the brain? Yes, I said so at the first examination, and it was then that Capt. Moore said "Would you call that apoplexy?"
166. You go on to say, "I am of opinion that the effusion of blood on and under the brain could not have been occasioned by blows"? Blows alone on the head I do not think would cause the effusion. The abrasions were superficial. That is the blow he alluded to.
167. When you gave the evidence I suppose you had considered the subject well? I did not know the previous evidence.
168. Did you not hear any conversation about it? No, none. I was a stranger among the residents, not having been long there.
169. It was on the 24th of October that you gave your second evidence? I did not know anything of the evidence that had been given previously.
170. That was a month after the first evidence—and did you not, in the interim, hear some reports or rumours as to the cause of this man's death? No.
171. Can you tell me in what way the second inquiry was held—how they came to have a second inquiry? I did not know it was to be held until the morning when it was held. I believe it was through Mr. Bailey's letter. I did not know until the Magistrates were sitting on the Bench, when Capt. Moore said it was on account of a letter from Mr. Bailey. That was in the Court House.
172. Did you attend on summons, or how came you to be there? A constable came for me.
173. Did you not hear anything at all then, before you gave evidence? No; the constable was speaking to me of Capt. Moore's finding fault with him for saying that Hart was found in the bush. I said, "Well, you know you did say it."
174. When you gave your evidence on the third inquiry (the inquest), you say you attribute the cause of death to effusion of blood on the brain, the blow,* and the fall? The fall, I mean. Capt. Moore wanted to place great stress on the slight wound on the forehead.
175. That portion of the evidence is correct, is it—"I attribute the cause of death to effusion of blood on the brain, the blow, and the fall"? I mean that he was struck, and that he fell, and in the fall he received injury that caused effusion of blood on the brain.
176. How do you know that he received such injury? The injury I mean is rupture of the bloodvessel.
177. You say also there was a wound on the back of the head, a contused wound, that appeared to have been caused by a fall? I was of the same opinion at the time of the first inquiry, although I did not state it. I made up my mind it was from violence, some way or other, but I was not allowed to suggest anything. If I had got the evidence read to me, as I wished, there would have been no need for a second inquiry.
178. You say you all along attributed this to a fall? It must have been some fall backwards; that was my opinion from the first, previous to my going before a Magistrate, but I had not an opportunity of saying so; they would not allow me.
179. Did you hear that he had a fall? No; I received no history of the case on admission, only I heard that he was found in the bush.
180. It was your investigation that brought you to the conclusion? Yes, from the quantity of blood I found on the brain.
181. The circumstances disclosed to your professional eye led you to the conclusion that the man had had a fall? Yes; it was the conclusion I came to at first.
182. *By the Chairman*: Then the remark in your evidence at the first inquiry refers to a blow and not to a fall? That was in reference to the mark on the forehead. Capt. Moore asked me if that was the cause of death. I said no; but I was not allowed to say it was a fall.
183. *By Mr. R. Forster*: What did Capt. Moore say to you? He said I was only to answer questions as they were put to me; he told me he would commit me if I did not. Then he put questions, and I was not allowed to suggest anything.
184. You did try to suggest something? Yes, but I could not; I saw it was of no use.
185. Were the depositions read over to you before you signed them? In a sort of way.
186. How? The evidence was dictated by Capt. Moore to Mr. Jones, and there was something to my mind that I was not satisfied with.
187. Mr. Jones was the presiding Magistrate? Yes.
188. And he took down the deposition? Yes.
189. And Capt. Moore sat beside him? Yes, at the table.
190. Who examined you? Capt. Moore.
191. And he repeated your answers to Mr. Jones? Yes, in his own words.
192. In Capt. Moore's own words? Yes.
193. And Mr. Jones wrote them down as Capt. Moore delivered them, not as you delivered them? Not exactly. When he wished me to say apoplexy, I said I can give no other opinion from the history of the case as I know it.
194. Before you signed the deposition was it read over to you? Yes, but when I signed it that was the expression I used.

195.

* NOTE (on revision):—The blow alluded to in these questions was suggested by the Coroner as likely to have caused him to fall. At the previous inquiries I was not allowed to suggest the probability of a fall having caused the injuries.

195. You told them you did not use the expression? Yes; I said before signing it, from Mr. J. Smith. the history of the case, as I know it, it is apoplexy; but I wished the evidence to be read.
196. You know you have a right to have the evidence correct—when you were giving evidence you were sworn to state what you knew, and it was your privilege to have it correctly set down? I did not know that, because I was always treated differently in Sydney.*
197. Do you know whether the boy, Henry Moore, is intelligent? I do not.
198. Have you seen him? He was once in my house with his uncle.
199. You do not know whether he is educated or not? I do not.
200. *By Mr. Hart*: Do you know whether he understands the nature of an oath? I could not say.
201. *By Mr. R. Forster*: Have Capt. Moore's daughters visited you professionally? Yes, one of them with a child in her arms, which I understood to be her fourth.
202. Have you attended her in her confinement? No, Dr. Nind attends the family.
203. She is a married woman now? Yes.
204. And has the other girl had illegitimate children? She has had one, I believe.
205. Did they live in the house with Capt. Moore at the time they had these illegitimate children? They did; this one with her last child was turned out of the house just before her labour came on.
206. Is the other daughter still living with them? Yes, I think so; I saw her at the gate a few days ago, when I saw her for the first time.
207. *By the Chairman*: Fagan was living under the same roof? He was a servant to Capt. Moore.
208. *By Mr. R. Forster*: Is there anything you would suggest to the Committee yourself? Just as I was leaving, after having been examined, Capt. Moore told the constable to call Fagan, and then he would tell why he struck him (Hart). That was the first thing that suggested a blow to me.
209. That was after you had given your evidence? Yes, that was the first time that I knew he had got a blow, as called by Capt. Moore a "slap" with the hand.
210. Have you been an attendant at the Police Office at Liverpool much? I attend the prisoners when wanted.
211. I mean the Police Office? I have never been there unless I was wanted as a witness. Then when I am examined I leave. I do not make it a practice to go there. I think I have been there only twice, in the cases of Fagan and of Savill, since I went to Liverpool.

ADDENDUM.

The evidence, as regards Capt. Moore's family, I have learned since I became acquainted in the place.

When the word *blow* is used in the evidence given at the first and second inquiries, it is meant as given by the open hand, or, as termed by Capt. Moore, a "slap." When used at the inquest it is meant as given by the closed hand, as suggested by the Coroner in the form of a question, "Would a blow with the fist."

As regards the evidence given at the second inquiry, held at the request of Mr. Bailey, Mr. Bailey was not in a fit state to examine witnesses, and Capt. Moore was careful in avoiding all questions as were likely to clear up the mystery connected with Hart's death.

Mrs. Sarah Laing called in and examined:—

212. *By the Chairman*: Your name is Sarah Laing? Yes.
213. Do you remember being examined at Liverpool with reference to the death of John Hart? Yes—twice.
214. On two occasions you were examined? Yes.
215. First before the Magistrates? Yes, and then by the Coroner.
216. And next by the Coroner? Yes.
217. Were you acquainted with both Hart and Fagan? I knew them from their being at Capt. Moore's.
218. They both lived there? Fagan had left at this time, but used to be about the place.
219. Are you well acquainted with Capt. Moore's family? Yes, I know them.
220. With his daughters particularly? Yes, I have spoken to his daughters, and have been in the place with them.
221. Are you aware of any intimacy having existed between Fagan and either of Capt. Moore's daughters? No, I do not know of any; I never saw any of it.
222. Are you aware whether they have any children? Yes, one daughter has had four.
223. Before she was married? Yes, before she was married; three boys and a girl.
224. Were they all white? Yes, these were all white.
225. Were any of them not white? No, they were white children. Miss Eliza had the four children.
226. And had Miss Emily had any? She had, by all accounts, a half-caste black, but I never saw it.
227. Have you any reason to suppose that Capt. Moore wished to hush up this inquiry about the death of the man Hart? Well, I think he did, or he would have had it made known to the public.

Mrs. Sarah
Laing.

23 Dec., 1863.

228.

* NOTE (on revision):—I did not know that I had a right to have the evidence read. When I gave evidence at any inquest in Sydney, when there was a doubt, the evidence was read at my request or at the suggestion of the Coroner, and I expected the same to be done in this case. I was rather astonished when it was refused in this case.

- Mrs. Sarah Laing.
23 Dec., 1863.
228. Have you any reason to know why he desired to hush it up? No, I do not know the reason.
229. *By Mr. Hart:* You were close by the fence of Capt. Moore's house when this accident occurred to the old man? Yes, by the fence alongside the chimney.
230. What were you doing there? I went for my little boy (who was going up the country with Capt. Moore's son), being late at night, to call him home; it was half-past 8.
231. What took place then? Miss Moore and I were talking together, when I heard a scuffle and a noise in the kitchen.
232. Did you hear Hart say anything to Fagan before Fagan struck him? No.
233. You say, in your evidence before the Magistrates on the 24th of October, "I went out to call my little boy; John Hart called him back again, and told him if he was frightened to go home, he would go home with him; with that Hart was talking loud; I afterwards heard some blows struck"—do you recollect what Hart was saying? No, I cannot recollect.
234. Was any one present when Hart and Fagan were quarrelling? No one except the two little children in the kitchen—my own and another.
235. When you say you heard blows struck, what do you mean? The noise they were making.
236. There was a noise as if one struck the other, and as if one fell? There was scuffling and a falling.
237. A loud noise? No, a confused noise.
238. Did you see a body fall? No, I saw the body taken up, and I saw him put alongside the fence by Fagan.
239. How did he take him, by the arms or by the feet? I cannot say, but I think it was by his arms; I was on one side of the fence and he on the other.
240. Where did he drag him from? From the kitchen.
241. Across the yard? Alongside the yard up to a little fence, where he put him down.
242. How far was that from the kitchen? About eight or nine yards, or less than that.
243. Was the place he put him, under shelter? No, in the open yard.
244. Was Miss Moore present? Miss Eliza Moore.
245. Was she present, so that she could see Fagan strike Hart? No, but she saw Fagan drag him along.
246. Did she make any observation? No; she was talking to me, and turned her face round to look. I asked what noise it was, and she said it was George dragging old John Hart. I saw him put down alongside the fence.
247. Did Hart speak whilst the scuffling was taking place? No, not a word.
248. Did he appear to be strong or weak, or did you pay any attention to him? No, I did not pay attention, because there was a garden fence between us. There were three palings out, and through the hole I could see Fagan dragging him along. The path by the little fence leads to the closet.
249. Did Fagan say anything to Hart? He said he was a damned old scamp or rascal, and that if he had another word out of his head to-night he would give him more than he had got. He had never said a word.
250. Did Miss Moore hear that? Yes.
251. She did not tell Fagan to desist, or interfere in any way? No, she did not say a word.
252. *By Mr. R. Forster:* Was Hart ever ill-used in this way before? No, and I have known him for eighteen years.
253. Did you ever see a disturbance like that at the Moore's before;—it was taken very coolly was it not? I never heard a noise or scuffling among the servants there.
254. About what hour do you say it was? About half-past 8 in the evening.
255. Was Hart a quarrelsome man? No, he was a quiet man; and if he took a drop of liquor nothing would be heard of him but singing now and then.
256. He was an old man? About seventy years old. He used to chop a bit of wood and draw water sometimes.
257. And Fagan was a young man? Yes, about thirty years old; strong and able, with dark whiskers and dark hair.
258. Did he drag Hart along roughly? Yes, and threw him down by the fence.
259. Not as if he was dragging a man to some place for protection, so as to put him out of the way, but he threw him down roughly? Yes.
260. Were there a number of horses in the yard at this time loose? None, but what were at the drays feeding; they were feeding the horses at the time.
261. Was he laid where the horses were feeding—how large is the yard? A little larger than this room.
262. How many horses were feeding at that time? I do not know how many horses they have got; the feeder was full, and they were round the feeder feeding. But Hart was as far from the dray as the other side of the room from me.
263. Do you know whether they left him there that night, or was he put under shelter? I do not know; they sent for my husband in the morning.
264. What for? To have his opinion as to what ailed him, and to say whether he would live or die; he was then in the kitchen, on the cold hearth, with two old bags thrown over him, before the fire-place, but there was no fire. My husband said there was froth at his mouth the height of that, and he tried to wake him up, but he could not—he would not speak at all. Capt. Moore told my husband to call the constable and put him in the poor-house.
265. *By the Chairman:* It was not by Capt. Moore that you were summoned to give evidence? No.

- 266. Have you any reason to believe that he was displeased with you for giving evidence at all? I do not know; he thought I had no business to say anything I dare say.
- 267. Your house is directly opposite to Capt. Moore's—is it not? Yes, in front of his place.
- 268. Anything that took place at your house could be heard at Capt. Moore's? Every word; there is only a road between us.
- 269. You were imprisoned in Parramatta Gaol in the early part of this year for a month—were you not? Yes.
- 270. The offence for which you were imprisoned was the use of obscene language in the street—was it not? Yes, when talking to my husband.
- 271. Had there been any private difference between yourself and Capt. Moore prior to this? No.
- 272. Did you ever oblige him in any way? Yes, by getting him meat.
- 273. This occurred some time before Christmas? About three weeks before Christmas.
- 274. And at Capt. Moore's request you obtained some mutton from Mr. Woods, the butcher's, for him? Two joints of beef, and one of mutton.
- 275. Did he ask you to do so? He sent his daughter to ask if we would oblige him by supplying him with some meat.
- 276. What was his reason? Because the butcher would not give him any more on trust; the butcher took some meat off his daughter's plate when Capt. Moore sent no money to pay for it.
- 277. And you supplied the meat? Yes.
- 278. What was the amount? About six or seven shillings.
- 279. Did you apply for the payment of the money? Yes, my husband went to him several times for it; he said he had no money, and that when he had he would pay it. He owed him a few more shillings on an account.
- 280. When did your husband last apply for it—do you remember the date—was it in February? It was on a Thursday—the 26th of February.
- 281. Your husband then applied to Capt. Moore for the payment of his small bill? Yes.
- 282. And Capt. Moore told him that he had got no money? Yes; but that he would send it when he got it.
- 283. And when your husband came back, what then? He said there was no money. I said, "Go down to Woods and borrow £2, as I want to pay the baker, and get some things for the children." He got the £2, and I went up town and bought some things; when I came back my husband and I had a few words; Capt. Moore was at the fence listening.
- 284. The words were used in the verandah of your house? Yes.
- 285. They might have been heard over at Capt. Moore's? Yes.
- 286. Did you say anything about Capt. Moore? Yes; I said to my husband it was better for Capt. Moore to pay him than for him to get the loan of £2 and strike me about it.
- 287. In fact you got rather angry about not getting the money from Capt. Moore? Yes, I was vexed at not getting the money; we were waiting for it from Christmas until May.
- 288. You recollect saying you did not care any more for Capt. Moore than for the dirt under your feet? Yes.
- 289. And he must have heard it? Yes, or he could not have mentioned it in Court.
- 290. And your reason was, because he had not paid you the money for the meat? Yes, I was angry with my husband when he struck me, and I used these words.
- 291. After this quarrel with your husband he went away? Yes, to get a log of wood in the bush.
- 292. And the quarrel was over? Yes, and everything quiet.
- 293. And you remained in the house? Yes, with my children.
- 294. What doing? Shewing the children the little prints I had bought.
- 295. And your husband was in the bush? Yes.
- 296. What occurred whilst you were shewing the children the prints? Capt. Moore walked into the house, and came into my bedroom with Constable M'Cullum. He said to the constable, "There she is, take her."
- 297. You were in the bedroom with your children then? Yes, I said I would not go without a summons; but Capt. Moore said, "Take hold of her, and drag her."
- 298. Did you lay hold of the bed-post? Yes, I took hold of the bedstead, but they dragged me away.
- 299. This was on Thursday evening? Yes.
- 300. Do you remember how long it was after the quarrel with your husband? About half-an-hour after, or an hour; I cannot say which. I did not stay long up town.
- 301. What did the constable do—drag you out of the room? Yes.
- 302. And what then? He took me to the watchhouse.
- 303. And you remained there from the Thursday night until the Monday? Yes.
- 304. You were there during Thursday night, Saturday, and Sunday? Yes.
- 305. Did they give you any provisions? No; my husband sent me two meals a-day.
- 306. Had you any bedding? Only two blankets.
- 307. You have children? Yes, six.
- 308. Was not one of these nursing at the time? Yes, the baby I have now.
- 309. And you were detained four nights in the lock-up—was your baby allowed to be with you? One night, but I did not like to keep him there as he was sickly and delicate. He was weaned.
- 310. And what happened on Monday morning? I was brought out and tried.
- 311. Before whom? Mr. Jones and Capt. Moore.

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- Mrs. Sarah Laing. 312. Did they both sit on the Bench? Yes.
313. Do you remember what you were tried for? For using obscene language, Capt. Moore told me.
- 23 Dec., 1863. 314. Was the Clerk of the Bench present? No, there was no clerk at all.
315. Who else was present? Mr. Jones, Mr. Redshaw, Constable M'Cullum, and Mr. Sutherland, the lock-up keeper.
316. There was no one else present but Magistrates and police? No.
317. The Clerk of the Court was not present? No.
318. Who laid the charge against you? Capt. Moore.
319. He charged you with using obscene language? Yes, to my husband.
320. He stated he had heard it from his verandah? Yes.
321. He said it shocked his family—that they had heard the language made use of? Yes.
322. What did Mr. Jones then do—did both try the case, or only one? Mr. Jones only.
323. And what was his sentence? One month in Parramatta Gaol.
324. He said nothing about a fine? No.
325. You are quite sure of that? Yes.
326. What happened then? I was taken back to the lock-up on Monday, and stopped there on Monday night and Tuesday night.
327. And what about Wednesday? On Wednesday I was brought out again, and a fine was put upon me of 20s.
328. Who were in Court on the second occasion? Sutherland and M'Cullum. There was no clerk nor any one else.
329. None of the public? No one but Capt. Moore, Mr. Jones, and the two police.
330. What did Mr. Jones say? Mr. Jones asked me if I had discerned that he had put a fine on me. I said he had put no fine on me. He then said, "Have you got 20s. to pay it; if not you must go to gaol for a month." I said I intended to go to Parramatta for a month then, as I had not got the money.
331. And why did you not ask Capt. Moore to pay it? I was afraid that if I did he might add to the sentence for contempt of Court.
332. He owed you nearly as much as the fine? Yes, and he did not pay me until May.
333. And you were afraid to ask him for the money lest he might add to the sentence? Yes.
334. Did you make any request to take your baby to Parramatta? I asked Capt. Moore if I could take it, and he said, "I suppose you must."
335. In fact you thought they were both acting together—they were both sitting together? They sat a little apart, but at the one table.
336. You did not ask Capt. Moore to pay the fine, because you thought he would add to the sentence? Yes.
337. You were sent back on Wednesday to the lock-up? Yes, and on Thursday morning I was sent to Parramatta.
338. You had been nearly a week in the lock-up then? Yes, from Thursday to Thursday.
339. And you were then sent to Parramatta Gaol for a month? Yes.
340. Was that four weeks or a calendar month? A calendar month. But he tried me on the 2nd and gave me a full sentence on the 4th.
341. It was Mr. Jones who sentenced you—was it not? Yes.
342. *By Mr. Hart*: How long have you resided at Liverpool? Twenty-three years.
343. Have you ever been charged before with the commission of any offence? Yes, me and my husband had a few words once before.
344. How long ago? About twelve years.
345. With that exception you have never been before a Court of Justice since you have been at Liverpool? Yes, I have, at this time I have been speaking of.
346. With the exception of these two occasions you have not been in a Court of Justice? Yes, Capt. Moore gave me seven days in the cells before for a few words I and my husband had.
347. How long ago? The beginning of this year.
348. And after the death of Hart? Yes.*
349. Then, since you gave evidence in Hart's case, you have twice been sent to gaol by Capt. Moore? Yes.
350. *By the Chairman*: What was the occasion? Quarrelling with my husband.
351. *By Mr. Hart*: Were you in your own house when you made use of this language? On the verandah of my own house.
352. And not in the street? No; it is a large verandah.
353. And what were the words it is said you used? An old bugger, a rascally bugger, a damned bugger; that was what Capt. Moore swore.
354. Did he also say that you said you did not care about him any more than the dirt under your feet? Yes, he said that in Court.
355. I observe that this is not taken down in the evidence—do you know why? I do not know why. I know Capt. Moore said that in Court.
356. The evidence was not taken down by the Clerk of the Bench? No.
357. *By Mr. Jones*? *By Mr. Jones*.
358. Is Capt. Moore a man of property or substance? No, I do not think he is.
359. Is Mr. Jones? I do not know about Mr. Jones; but I do not think either of them have got much.
360. Are you quite certain that Capt. Moore, half-an-hour after this occurred, came into your house with a constable and had you taken out of it? Yes; there was a young woman who goes to school with my children sitting in the place at the time.
361. What is her name? Emma Knight. 362.

* *Revised*:—About ten days before.

362. Then you were kept in the lock-up four days before you were brought up to be tried? *Mrs. Sarah Laing.*
Yes.
363. And afterwards remanded to the lock-up, and were there from Monday to Thursday, when you were brought before the Bench again and sentenced to a month's imprisonment, without further evidence or charge other than that on Wednesday? *23 Dec., 1863.* Yes.
364. Have you or your husband taken legal proceedings against these gentlemen for false imprisonment? No. My husband did not trouble himself about it. We are very poor and can scarce live.
365. Is that the reason you have not taken legal proceedings? Well, I have not got the money to take them.
366. *By Mr. E. Forster:* I suppose your husband and you had such little tiffs as these before Hart's death? Yes.
367. But you had never been before the Bench for them? Never. Capt. Moore never troubled me for all the words between me and my husband before this case of Hart's. Capt. Moore has been living there for five years and never troubled me before I gave evidence in this case of Hart's.
368. *By the Chairman:* You and your husband often have words? Yes.
369. And you have never been troubled by Capt. Moore until this case of Hart's? Never.
370. *By Mr. R. Forster:* You say you were afraid Capt. Moore would have added to the sentence if you had asked him to pay what he owed you? Yes, he would.
371. Is there a general feeling of that kind among the people? He generally does that to the people. If they say anything he adds to their sentence for contempt of Court.
372. Is he liked or disliked in the town? I do not think he is liked at all among the inhabitants.
373. *By the Chairman:* You were never before the Liverpool Court for anything else but disputes with your husband? Never.
374. And you have been living for twenty-five years in Liverpool? Twenty-three years in the one street.
375. *By Mr. R. Forster:* Whilst you were in the cells did they keep you confined, or were you allowed to walk about the yard? I was kept in the cells all day.
376. You and your child? Me and my child.
377. What sort of a cell was it? About a yard and a half wide and about seven feet long. There was just room to have a little board at the side and to walk along.
378. Were you not allowed to go into the yard? Not outside the door, except to go into the Court House.
379. Did they do the same thing in both cases? Yes. On the one occasion he gave me seven days on bread and water and solitary confinement.
380. And you were never allowed out at all? No, not until I was discharged.
381. In the other case you were kept eight days confined, and when brought to Court was the only time you were out? Yes.
382. How old was your baby at the time? Getting two years old.
383. Not on the breast then? No. He was the first time.
384. You have been five years living near Capt. Moore's; did you ever hear cursing and swearing on his premises? Plenty of it.
385. Who have you heard cursing and swearing? The men and Master Henry Moore, a little boy seven or eight years of age. He bags all people for cursing ever born. That is the son of Eliza Moore.
386. Have you heard Fagan swear? Yes.
387. Did Capt. Moore know of this—have you seen him there at the time anything of this sort was going on? No, but he would not see it if he was present. Fagan said he owed him pretty nearly £100 for wages, and what kept him there was trying to get money from him. He told my husband in the shop there.
388. *By the Chairman:* You say that Fagan told your husband that Capt. Moore owed him pretty nearly £100 for wages? Yes.
389. And that was what kept him there? Yes, waiting that he might be paid.
390. *By Mr. Buchanan:* How did this conversation come about as to Capt. Moore owing Fagan money. Do you recollect the circumstances? It was before the hay season came in, and Fagan was at our shop with rakes and pitchforks to get mended, and whilst he was there, talking about Capt. Moore owing my husband money at the time. My husband asked Fagan if Capt. Moore had any money to part with. He said no he thought not as he owed him pretty nearly £100, and that he was only stopping there to get it from him.
391. *By Mr. R. Forster:* Who sent you to get the meat for the family—who came with the message? The daughter.
392. Which of them? The daughter Eliza.
393. And you do not recollect whether she said she was sent by her father or by her mother? No.
394. Did they ever send to you in this way before? Several times I have got meat for them, and I have obliged them with the loan of potatoes and other things.
395. Has Capt. Moore ever sent to you to do him a favour? His daughter has come to me.
396. Was he aware of it? He must have known because the first meat I got for him came to 8s. and something, and he sent me the money down. But the second time he did not pay the money until May.
397. *By the Chairman:* He did pay it then? Yes.
398. Did he pay it you himself? He paid my husband.

Mr. Stephen Pearce re-examined:—

Mr. S. Pearce. 399. *By the Chairman*: Do you remember having any conversation with Mr. Redshaw with reference to Hart's death? Yes. Redshaw told me last Thursday that when Hart was admitted to the Asylum that he wished to send for the Coroner, and that Capt. Moore told him not, that he had arranged for Mr. Jones to hold the inquiry, and that was before the man was dead.

Mr. Henry Laing called in and examined:—

Mr. H. Laing. 400. *By the Chairman*: What is your name? Henry Laing.
 401. The husband of Mrs. Laing? Yes.
 23 Dec., 1863. 402. Have you been many years resident in Liverpool? Forty-six or seven years.
 403. Have you been all that time resident in Liverpool? Yes.
 404. You were born there I suppose? No; I came in the "Isabella," in 1818.
 405. You are a blacksmith? Yes.
 406. Do you remember the death of John Hart? Yes.
 407. Do you remember anything about it? I was not there that night; in the morning Sydney Moore sent for me.
 408. And what did he tell you? When I went up he said, "Will you take a look at John Hart?" I said, "Where is he?" He said, "In the kitchen."
 409. Whose kitchen? Capt. Moore's kitchen. I went in, and stopped and looked at him for five or ten minutes.
 410. Was Capt. Moore there? No.
 411. But Sydney Moore was? Yes, outside. The froth from his mouth might be from the height of a quart pot. He was lying on his back.
 412. What did you do? I took a rag and wiped his mouth and face, shook him, called him by his name. I said, "John, jump up"; but he never spoke.
 413. What then? I gave him a shake; he would not stir. Mrs. Moore and her daughter stood at the door. I said, "The man's done; you may send for the doctor as soon as you like; he will not live twenty-four hours." She goes and tells Capt. Moore what I say. I left him, and Capt. Moore said, "Will you go and get a couple of constables down?" which I did. One of the constables came, and then I left Capt. Moore. About a quarter of an hour after that I saw a cart at the door, and lent a hand to roll the cart to the Asylum.
 414. Who bade you to take him to the Asylum? The two constables and I.*
 415. Was it not first talked of sending him to the lock-up? No; when Capt. Moore told me to bring two constables down I brought them, and while they were talking to him I left him. I said, "I will now go down and come back again." They got the body into the cart, which we pushed down to the hospital.
 416. *By Mr. Buchanan*: You were not present at the row the previous night? No.
 417. And do not know anything about it? No, I was not there at all.
 418. *By the Chairman*: Do you know anything of what position Fagan was in Capt. Moore's family—what he was doing there—was he a servant of Capt. Moore's? He was doing first one thing and then another.
 419. He was a servant? Yes.
 420. Did he ever say anything to you about Capt. Moore owing him money? I was speaking to him one day about Capt. Moore owing me money, and Fagan said, "Don't you take on so about it; he owes me nearly £100."
 421. You were not examined at the inquiry that was held? No.
 422. But your wife was? Yes, she was there.
 423. Have you any idea that Capt. Moore wished to hush up this inquiry? No, I never heard anything of it. When it was took over to the hospital none of them knew anything about it.
 424. Have you any idea why Capt. Moore wanted to hush it up? No.
 425. Do you think this money had anything to do with it? I cannot tell.
 426. Do you know anything of Capt. Moore's family? No, nothing.
 427. You have been a good long while in Liverpool? Yes, I am an old hand.
 428. *By Mr. R. Forster*: When you got to the hospital with the man Hart, what was said to Dr. Smith? I had the shafts of the cart with the body in, and he said, "Roll it back to the steps"; and the constables said to Dr. Smith that the man was not well. Dr. Smith said the man was dying fast.
 429. Did the constables say where they had brought the man from? No.
 430. Did they say anything about a man being found in the bush? No, he was not found in the bush.
 431. Was Hart a quiet man? As quiet a man as ever lived. I have known him fourteen or fifteen years.
 432. Have you heard from any one a statement of what occurred on this night at Capt. Moore's—from any person who was present? No.
 433. Did you hear any one say this man was sitting at the kitchen door when he was drunk? No. A little boy belonging to Capt. Moore could tell; he saw the whole of it.
 434. Did you ever speak to him about it? No, he does not come near me.
 435. You have not heard that the man was sitting at the kitchen door when he was struck by Fagan? I have heard that from the boy.

436.

* NOTE (on revision):—No one told me,

436. *By the Chairman*: Do you remember, about February last, at the time that your wife Mr. H. Laing. was imprisoned, having any conversation with Capt. Moore previous to that? No.
437. Do you remember asking him for some money that was owing to you for a small ^{23 Dec., 1863,} account and for some meat? Two or three times.
438. Before February last? Yes, and on the 26th of February.
439. In the morning? Yes, in the morning. I asked him for the money he owed me for some meat. I asked him to settle my bill.
440. Your wife had purchased some meat for the family of Capt. Moore? She used to get it now and then for Mrs. Moore.
441. Why could not Mrs. Moore pay for it? She paid for it sometimes, but could not pay for it then and there.
442. On the 26th of February you asked Capt. Moore to pay you your little bill? Yes.
443. And what did he say? He said he would pay as soon as he could.
444. You wanted money then? Yes; I had to borrow.
445. You came home to your wife? Yes. I said, "I cannot get money from Capt. Moore; I must go and borrow it."
446. What did you then do? I borrowed two notes.
447. What then? I came home and gave her 15s.
448. And then? She laid it out in prints for the children.
449. And what then? She said, "It would be far better to get your money from Capt. Moore than to go borrowing it." I said, "Hold your tongue mam, or you'll get yourself into trouble."
450. And what happened then? She made use of some bad language, and I gave her a slap by the side of the head.
451. You had a little quarrel in fact? Yes.
452. This was in your own verandah? On my ground.
453. You heard her say she did not care about Capt. Moore? Yes. I said, "Take care, or you'll get yourself into trouble."
454. The first occasion of the quarrel was because Capt. Moore would not pay the money he owed you? Yes.
455. After the row was over what happened? When I heard her cursing and swearing I went away, and when I came home again the children told me that the Captain had put their mother in the watch-house—what for they did not know.
456. *By Mr. Buchanan*: How many children have you? Four.
457. *By the Chairman*: And what age is the youngest then? The youngest was two years old then.
458. And when you came home the children told you that Capt. Moore had put their mother in the lock-up? Yes.
459. This was on the Thursday night? Yes; the 26th of February.
460. Did you go to the lock-up? No; I sent the eldest girl with breakfast next morning.
461. You did not see your wife? I did not see her for a month. I did not go near her. I used to send the girl with her food.
462. Were you in the Court when the trial went on? No.
463. Did you know that it was going on? It was on twice, but I did not know of it until it was all over. I did not know that it was to be tried until it was all over. There was no one in the Court on that day at all but the constable.
464. From the night of Thursday, the 26th of February, you never saw your wife for five weeks? No, not for the month following.
465. *By Mr. R. Forster*: Can you state that she was a month in Parramatta Gaol? Yes.
466. How long was she away from you altogether? She left on the 26th of February, about 4 or 5 o'clock, and I did not see anything of her until the 3rd or 4th of April.
467. Did she come home when she came out of gaol? Yes.
468. *By the Chairman*: Have you and your wife often had words on your verandah? Many times we have had words.
469. And your wife—was she ever punished for it before the Hart case—for these little quarrels? Yes, once.
470. Was that after or before the death of Hart? She was put in gaol after the death of Hart.
471. Have you any reason to believe that Capt. Moore was offended with her for giving evidence about Hart? That I do not know.
472. *By Mr. R. Forster*: Have you ever heard cursing and swearing on Capt. Moore's premises? I never went on his premises.
473. Have you heard it over there from your house? No.
474. You never heard any of the men kicking up a row and swearing? No.
475. Fagan or any of them? Since Fagan went away there has been no one there.
476. When he was there did you ever hear cursing and swearing on Capt. Moore's premises? I cannot say.
477. Do you know what is the usual Court day at Liverpool for trying cases? Yes; Friday.
478. Your wife was taken into custody on a Thursday? Yes; and brought up before the Bench on the Monday morning following.
479. Was it the usual Court day when the Clerk of the Bench attends? There was no Court on Friday.
480. The clerk comes from Campbelltown, does he, every Friday? Yes.
481. Was Mr. White, the clerk, there on the day after your wife was put in the lock-up? I cannot say that he was there.

- Mr. H. Laing. 482. You do not know why there was no Court there that day yourself? No.
483. *By Mr. Buchanan*: At the time your wife was put in the lock-up did Capt. Moore owe you anything? Yes; he owed me the money then.
484. About how much? About a note.
485. *By Mr. R. Forster*: Do you know when that was paid—about what time? I cannot tell here.
486. Did he pay you before or after your wife came from gaol? Before she came from gaol. I think he paid me while she was in gaol.
487. *By the Chairman*: You know you had not been paid when she went to gaol? Oh! no.
488. *By Mr. R. Forster*: You know the two daughters of Capt. Moore? Yes.
489. What is the eldest named? The eldest daughter is married—she has been away for twenty years.
490. I am speaking of the two there? There is Eliza and Emily.
491. Are they married? Eliza is married—Emily is not married.
492. Has Eliza been long married? No.
493. Has she had children before she was married? Oh! yes; two or three—I cannot tell how many.
494. You have seen them? I have seen two and this boy, Henry, about eight or nine years old, that you speak of as her son.
495. Have you ever heard any report of intimacy having existed between this girl and Fagan? No.
496. Or between any woman and Fagan? No.
497. *By Mr. R. Forster*: During the time that this daughter of Capt. Moore's had these three children that you speak of, was she living at her father's house? Yes; she was always living at her father's.
498. And reared her children in the house—how many has she got living? Two or three.
499. And she reared them in her father's house? Two of them—the other died.
500. Was that the fourth? The other died, I think.
501. She has got three children now living? She does not come near me now. Two, I know, are living—Harry and the red-headed girl.
502. Have you any idea of the age of the eldest? Her eldest might be nine years old.
503. *By Mr. Buchanan*: You never heard of Fagan having anything to do with her? No.

THURSDAY, 7 JANUARY, 1864.

Present:—

MR. BELL, | MR. COWPER,
MR. HART.

ALLAN MACPHERSON, ESQ., IN THE CHAIR.

Mr. Thomas Duke Allen called in and examined:—

- Mr. T. D. Allen. 504. *By the Chairman*: You are Gaoler at Parramatta Gaol? I am.
505. Were you Gaoler in February, 1863? No.
506. Will you produce the warrant of committal of Mrs. Sarah Laing? This—(*Document handed in. Vide Appendix*)—is the warrant for her committal to Parramatta Gaol for one month.
507. From what date? 4th March, 1863.
508. Signed by Mr. Jones, J.P.? Yes.
509. *By Mr. Hart*: When was she received at the Gaol? I could not say.
510. When was she discharged? I could not say.
511. Have you not your books to which you could refer for the information? Yes; there are the books in the Gaol, but I was not required to bring them.
512. You knew you were summoned to give evidence with respect to the imprisonment of Mrs. Laing? To produce the warrant only.
513. Did you not think it worth your while to make yourself acquainted with the facts of the case? All I could have done would have been to refer to the books, and that would have been no proof to me.
514. Why would it have been no proof to you? Because I was not Gaoler at the time.
515. Is it not a contemporaneous entry? Yes.
516. Is not that good evidence that what is stated there is correct? Certainly; but I received no intimation that it would be required.
517. In revising your evidence you had better furnish that information—when Mrs. Laing was received into the Gaol, and when she was discharged? I will.*

Mr.

ADDENDUM:—Sarah Laing was admitted into this Gaol on the 5th of March, 1863; discharged 3rd April, 1863.

Mr. George White called in and examined :—

- 518. *By the Chairman:* Were you Clerk of the Court at Liverpool at the time certain inquiries were made with reference to the death of John Hart? I was. Mr. G. White.
- 519. Did you take the depositions in that case? I did not. 7 Jan., 1864.
- 520. May I inquire why you did not do so? I was away at the time at Campbelltown.
- 521. Did you take them neither the first nor the second time? I think I must have taken them the second time, but not the first time.
- 522. Then you have no knowledge of that case other than hearsay knowledge? Only hearsay.
- 523. Were you present at the Police Office, Liverpool, on the 2nd of March, 1863, when the charge was heard against Mrs. Sarah Laing? I was not; I was present at Liverpool on the 3rd—the day afterwards—when Constable Sutherland stated that he required a warrant to be drawn against Mrs. Laing, for making use of obscene language.
- 524. A warrant? A warrant.
- 525. To arrest her? No, for her committal. I asked what was the commitment, and he stated it was one month's imprisonment in Parramatta Gaol. I then stated I could not draw the warrant because the sentence was contrary to the Act; but I partially drew out a warrant and left it for it to be acted upon, suggesting, at the same time, that the Magistrate should be advised to bring the prisoner again before the Court, either to re-try the prisoner or to impose a fine, and in default of payment of the fine then to imprison her.
- 526. You were informed by the constable that Mrs. Laing had been sentenced to one month's imprisonment? Yes, without any fine.
- 527. *By Mr. Hart:* You saw that from the records of the Court, I presume? Not at that time; that was merely information I received.
- 528. *By the Chairman:* Have you the depositions in the case? I have the depositions which were handed to me.
- 529. Was there any record of the trial other than the depositions? No.
- 530. By whom are they generally kept? By the Clerk of Petty Sessions.
- 531. Then there was no entry, as you were not present? I was not present, and I refused to make an entry as an original record, which would be no evidence at all.
- 532. Do you possess any original record of the case? I have the record which was placed in my hands.
- 533. Will you have the goodness to produce it? I produce this as the record I received. (*Document produced.*)
- 534. I observe that the record you produce has been already printed? I am not aware of it.
- 535. You produced a copy of these depositions some months ago? I may have been written to for a copy which I certified as correct.
- 536. I presume it was from the Colonial Secretary's Office you received the order to supply it? I cannot say from recollection.
- 537. *By Mr. Hart:* Is this your certificate, at the bottom of the printed document, as to its correctness? I could not answer that question without I saw the original.
- 538. Did you send a certificate similar to that? I could not say, without seeing the original, that that is a copy of the original document.
- 539. When did you first see this original record? I do not think I could have seen it for a month after the proceedings had been taken before the Court—as far as my recollection goes.
- 540. Under what authority did you make out the warrant under which this woman was committed to the Gaol? I think it will be found that I only partially made out the warrant. I was not aware at the time of any fine having been imposed.
- 541. In whose handwriting is that warrant filled up? I see I partially made out this warrant, leaving out the amount of the fine. This has been filled up by another party.
- 542. By whom? It appears to be in the writing of Mr. Jones.
- 543. When you made out that warrant, what did you do with it? I handed it either to the senior constable or to Constable Sutherland, stating it was all I could do in the matter—and that I was not aware what fine had been imposed.
- 544. Is it the practice of Magistrates in your district to sign warrants which do not come directly through your hands? Yes, they very often draw warrants themselves.
- 545. The words "twenty shillings," in this warrant, are in Mr. Jones' handwriting? I believe it to be Mr. Jones' handwriting.
- 546. The word "fourth" in the date —? Is not in my handwriting.
- 547. Is it Mr. Jones'? I could not say.
- 548. The handwriting seems to be the same? There is a similarity.
- 549. Is there any record to support this warrant as to the sentence passed upon Mrs. Laing? The record that I have already produced is the only record I have; that was handed to me as Clerk of Petty Sessions.
- 550. I see in the document you have handed in, the figures "20s." were originally "40s.," is that correct? With regard to that alteration I can say nothing about it; I merely hand in the document as I received it; it has not been altered by myself; I see there has evidently been a mistake without initialling it.
- 551. There is no date to this sentence, I observe? I am not aware.
- 552. Do you find any date appended to that sentence, to shew whether it was passed on the 2nd or the 4th March? The presumption would be, that it was passed on the day the depositions were taken.
- 553. I am not asking what would be the presumption, but does it appear that there is any date? We never put the date to the sentence; the depositions bear date the day on which they were taken, but the sentence never has a date to it.

- Mr. G. White. 554. It not being the practice in general to pass sentence on other days than when the case is tried? It is presumed the sentence is given on the same day the evidence is taken.
- 7 Jan., 1864. 555. Was it so in this case? I could not say—I was absent.
556. Did you not inform the Committee, a short time ago, that the constable on the Tuesday asked you to make out a warrant of committal in conformity with the sentence of the previous day? This being my first examination here, it is the only time I could have stated it. I have stated to-day, that Constable Sutherland said to me that a Mrs. Laing had been convicted for making use of obscene language. I asked of Sutherland what was the sentence; he said one month's imprisonment in Parramatta Gaol. I stated to him immediately that it was illegal, and that the Magistrates must bring the prisoner again before the Court, and either re-sentence her or re-hear the case, or otherwise discharge her.
557. This was on the Tuesday? That was on the Tuesday.
558. The 3rd? Yes. I then drew out a warrant, in case it should be wanted, only partially filling it up, leaving out the amount of fine and the date of the warrant, and handed it to the constable, for the use of the Magistrates, knowing I should not be down again before the following Friday.
559. *By the Chairman*: Is it usual to take depositions at the time of the trial? Yes.
560. Is it usual to affix the sentence to the depositions at the time the sentence is given, or days afterwards? With regard to that, Magistrates are at liberty to amend their decisions, but a decision should be given on the day the case is heard.
561. *By Mr. Hart*: If a wrong decision is once given, they have no right to reverse it? I beg your pardon, if a wrong decision is given by a Magistrate he may alter it at any time afterwards, so long as ulterior proceedings have not been taken to make him amenable. If anything had arisen—if imprisonment had taken place, or anything of that sort—then I should say that, his decision having been carried out, a Magistrate would not be in a position to alter it.
562. *By the Chairman*: In point of fact, was not the imprisonment going on between the Monday and the Wednesday—was not Mrs. Laing in the lock-up at Liverpool during that period? I believe she was, according to the information I have received.
563. Are you aware of the date of the warrant? I am not, except that I see the 4th has been written in it.
564. *By Mr. Cowper*: Would you consider Mrs. Laing's detention in the lock-up at Liverpool a portion of her sentence of imprisonment, or was it to commence on her arrival at Parramatta Gaol? I consider the imprisonment would commence from the date of the warrant. I can see very clearly there is a difference in date between the sentence and the warrant, but how that has arisen I cannot explain. I would state that the Gaoler was bound to give the month's imprisonment from the 4th, in accordance with the date of the warrant; he had no right to discharge the prisoner before the 4th of April.
565. *By Mr. Hart*: Can you give any evidence as to the death of John Hart? Merely that I was acting as clerk on the second occasion of the magisterial inquiry.
566. Is there any record book in your office of the sentence on Mrs. Laing? I have a record book, but, as I formerly stated, that was the original record of the proceedings which I have now produced; if I had copied it into the record book it would have been no evidence in any Court, and I refused to copy it.
567. *By Mr. Cowper*: You are not resident at Liverpool? No.
568. Do the Magistrates act in your absence? Very often.
569. How are the records then kept? I usually file them in the minute book, according to date; I merely pin them to the leaves of the book, when I receive them on the next occasion of my attending at Liverpool.
570. Have you found the Magistrates frequently committing errors such as you seem to have considered this, or was this but one of few cases of the kind? I do not think I have known the Magistrates to commit many errors on the Bench.
571. You pointed out that this was irregular? I did, because I saw immediately that a fine ought to have been imposed.
572. *By Mr. Hart*: How often does the Court sit at Liverpool? Once a fortnight. My usual attendance has been every Tuesday and every Friday.
573. Supposing a person, the day after you leave Liverpool, is apprehended on a charge of using obscene language, or of drunkenness, has that person to remain in the lock-up for a fortnight before he is tried? No, I am down on Tuesday and Friday in every week, and provided there is one Magistrate in attendance, the business of the Court can be carried on, but if it is a double case it must remain until the Court day.
574. Mrs. Laing, it appears, was kept in the lock-up five days before she was brought before the Magistrates—Can you give any explanation why the case was not heard sooner? I really cannot tell. You say she was taken in charge on a Thursday—my usual attendance is on Tuesday and Friday in each week—and why she was not brought forward on the Friday I cannot say without reference to my book. By referring to my book I could see whether that Friday was a Court day or not, because if it was I would have the proceedings entered in it. If Mrs. Laing was not brought forward, I should suppose I was not down there on that Friday, for some reason or other.
575. *By Mr. Cowper*: Was it the practice in Liverpool, for persons apprehended under similar circumstances to be detained till the following Tuesday or Friday? They have often been detained for many days. This was no exceptional case at all. In Mr. M'Donald's time, when he was acting Chief Constable there, they were often kept a fortnight for my attendance—they were actually kept in the lock-up, being remanded from three days to three days, until the attendance of the Clerk of Petty Sessions.
576. Do you mean in cases of drunkenness and indecent language? Yes, sometimes.

577. *By Mr. Hart*: Do you not think that was gross oppression? I cannot give an opinion. Mr. G. White.
578. Would it not be quite easy for the Chief Constable to communicate with you? He could inform a Magistrate of it, and the Magistrate could hear the case, but the Chief Constable could not expect me to come down every day in that way to Liverpool—thirteen miles. 7 Jan., 1864.
579. *By Mr. Cowper*: A Magistrate could have taken the parties' own bail, or that of others, for their appearance on the Court day? Yes, £5 bail would have been sufficient in most cases.
580. *By Mr. Hart*: Would any risk have been run by Capt. Moore or Mr. Jones, in taking Mrs. Laing's bail for her appearance on a future occasion? I think that the wrong was committed in this way—that the Magistrates or the constable, knowing Mrs. Laing's residence, ought to have summoned her to answer the charge—they had no right to issue a warrant.
581. A warrant should only be issued where there is immediate danger — ? Where an escape is apprehended.
582. *By the Chairman*: Are you aware of the circumstances under which Mrs. Laing was apprehended? Merely from hearsay.
583. *By Mr. Hart*: Have you had any conversation with Capt. Moore about it? Not the least; I have never said a word to him on the matter; neither do I think I have spoken to Mr. Jones, with regard to the apprehension or the case of Mrs. Laing.
584. *By the Chairman*: Who are the Magistrates that generally attend the Court at Liverpool? The only Magistrates who attended at that time were Capt. Moore and Mr. Jones.
585. In point of fact, the greater part of the business there is done by them? Not at this time; we have now Mr. Grant, Capt. Evans, and Mr. James Bell.
586. At that time you say it was principally done by Messrs. Moore and Jones? Yes, at the time of Mrs. Laing's imprisonment; there were no other Magistrates then to do the business.
587. *By Mr. Hart*: Is Capt. Moore advanced in years? He is.
588. Can you give the Committee any idea of his age? I could not tell anything about his age.
589. Is he sixty, seventy, or eighty? He looks, I should say, between sixty and seventy.
590. Is Mr. Jones also advanced in years? It is hard to say; Mr. Jones is here, and may answer for himself. I do not consider myself a good judge of age at all. I have often thought Capt. Moore rather severe on his prisoners; that is the only objection I can allege against him; he might be rather more lenient. I suppose it is on account of his having been a military man.
591. *By Mr. Cowper*: Capt. Moore has been in the army? Yes.
592. And Mr. Jones has been a naval officer? Yes. I think it is merely a mistake in regard to the date of the warrant—the depositions having been taken on the 2nd. Mistakes will arise; I know I have often made mistakes myself; we are all liable to these things. I do not think it ever could have been with the intention of giving the prisoner any extra imprisonment.
593. *By the Chairman*: Has it been usually the habit of the Bench at Liverpool to impose sentences of a month's imprisonment for quarrels between husbands and wives? When Capt. Moore gets on the Bench I cannot say what the sentence will be; they may get three months' imprisonment.
594. Three months' imprisonment for a quarrel between husband and wife? I think he is unusually severe, even upon drunkards. I am sorry to say it, but it has really gone against my feelings many times.
595. *By Mr. Cowper*: In giving these sentences, you have no reason to suppose Capt. Moore acted otherwise than conscientiously? I do not think so.
596. *By the Chairman*: I presume you are aware, as a matter of common report, that this dispute with reference to Mrs. Laing arose out of a private quarrel between Mrs. Laing and Capt. Moore? You must excuse me—I cannot speak of common report.
597. *By Mr. Hart*: Is it not usual to hear the terms mentioned in the depositions as having been made use of by Mrs. Laing, used in the street without any notice being taken of them? That I cannot say, not having heard them myself. Will you allow me to look at the depositions? No, I consider these are terms very seldom used in the street.
598. *By Mr. Cowper*: As applied to an individual? Yes.

Constable James M'Cullum called in and examined:—

599. *By the Chairman*: You are in the Police Force? Yes, stationed at Liverpool.
600. What is your rank? Ordinary Constable.
601. You were stationed at Liverpool on the 26th February last? Yes.
602. Do you remember receiving any instructions from Capt. Moore on Thursday, the 26th February last? Yes.
603. About what hour of the day? Between 5 and 6 in the afternoon, as near as I can say.
604. What were you instructed to do? He came into the barracks, and told me to put on my coat and come along with him —
605. Where did he direct you to go? I accompanied him over, through the town, to Mr. Laing's, the blacksmith's residence in Forbes-street, nearly opposite Capt. Moore's.
606. When you arrived at Mr. Laing's residence, what did you do then? He walked into the house, and I walked in after him.

Constable
J. M'Cullum.
7 Jan., 1864.

- Constable J. M'Cullum. 607. Into what part of the house? The front room; there was no passage, but there was a bed-room at one side.
- 7 Jan., 1864. 608. What then? There were some women and children there—Mrs. Laing and her daughter—and he ordered me—"Take that woman and lock her up," pointing his finger at Mrs. Laing.
609. Was there no summons, no warrant, no anything—simply a verbal order? Not that I was aware of.
610. He simply told you to take her and lock her up? Yes.
611. Was she in her bed-room? There was a bed in the room.
612. You laid hold of her? No, not at that time. He said, "Take her in charge." I asked which of them it was, and he pointed her out. I asked what charge he had against her, and he said for making use of indecent language—that it was most abominable—and I was to take her out and lock her up at once.
613. Did she make any resistance? She did; she caught hold of the bed-post with her arm; the children began to cry. I took hold of her by the arm, and told her she heard the charge, and she resisted a little, but after I reasoned with her a few words, she came with me.
614. And you took her to the lock-up and confined her? I did, by the orders of Capt. Moore, who was present at the time.
615. Do you happen to know how long she remained there? That I could not say.
616. Do you remember whether there was a Court the day after you put her in the lock-up? I could not say; I believe she was brought up and remanded for a day or two, but I did not pay particular notice at the time. I was then only a stranger just come into the district; I only arrived about the 9th of the month.
617. Were you present when she was tried? I was.
618. Do you remember whether she was tried twice? I do not think she was tried twice, but she was remanded for a couple of days.
619. You do not remember exactly the particulars of the trial? No.
620. Do you remember the sentence? The sentence she got the day after she was tried was a fine of £1 or a month to Parramatta Gaol.
621. *By Mr. Hart*: How long have you been in the police? Going on for six years now.
622. Was Mrs. Laing making use of obscene language when you apprehended her? Not that I heard, but after I took her in custody she made use of very bad language.
623. Did you not know it was unlawful to apprehend her in that way? I took it from our instructions, that when a Magistrate was present I was bound to obey his orders.
624. That was your authority? Yes, if he had not been present I would not have taken her up.
625. If a Magistrate ordered you to do anything obviously unlawful, would you obey? No, but in taking a person for bad language while he was present, I thought I was justified in obeying his orders. I believe if I had not I would have been dismissed for disobeying his orders.
626. I think, on the contrary, you would have been promoted? Well, I did not know that.
627. When Mrs. Laing was brought before Mr. Jones, was he made aware of the circumstances under which she had been apprehended? Not that I am aware of; I never was asked where I took her from.
628. Nor under what authority? No, I was never asked the question; I only gave my evidence, that I confined her on instructions from Capt. Moore, for using indecent language.
629. Have not all constables a set mode of stating in what manner a person has come into their custody—"by virtue of a warrant, which I now produce, I apprehended the prisoner on such a date, on a charge of so-and-so"? Yes, if you have a warrant; but if a person is given in charge, you state so, and as near as possible the time of the day, and who gave her in charge.
630. I observe that you state in your evidence, that Mrs. Laing was given into your charge by Capt. Moore, for using indecent language? Yes.

Constable Donald Sutherland called in and examined:—

- Constable D. Sutherland. 631. *By the Chairman*: You are an ordinary constable and lock-up keeper at Liverpool? I am.
- 7 Jan., 1864. 632. Were you so on the 26th February last? I was.
633. Do you keep any record of prisoners committed to your charge? Yes. (*Book produced.*)
634. Have you an entry relating to the case of Mrs. Sarah Laing, committed to your charge for making use of indecent language? Yes. (*Witness reads.*) "February 26th, 1863, at 30 minutes past 5 p.m., Sarah Laing—40 years of age—married—England—Protestant—she can neither read nor write—making use of indecent language in Forbes-street—convicted for obscene language before."
635. These entries were made at the time? Yes.
636. She was arrested on a Thursday? Yes.
637. She remained in the lock-up on Thursday night? She came in on the 26th, and she remained in the lock-up till the 2nd of March, when she was brought before Mr. Jones.
638. She was in the lock-up, then, from Thursday night till Monday morning? Yes.
639. Did she receive any food during that time? Not Government food; food was sent her from home.

640. Is there any provision made for supplying prisoners in the lock-up? Yes.
641. But she did not receive it because she did not require it? No, they sent food from home for her; when the prisoners' friends send food for them, the Chief Constable does not draw it.
642. Were you present when she was brought before Mr. Jones? I was.
643. Were there any other Magistrates besides Mr. Jones? There was no Bench; the Court was under repair then, and she was tried in the Magistrates' room.
644. Who were the Magistrates present? Mr. Jones and Capt. Moore.
645. Did Capt. Moore take any part in the proceedings? They were both sitting in chairs at the same table, except when Capt. Moore gave his evidence.
646. Were they acting as they generally do when on the Bench together? Mr. Jones sentenced her. I did not see Capt. Moore take any part; he did not say anything when Mr. Jones sentenced her.
647. *By Mr. Cowper*: Was the room a small one? Yes.
648. *By the Chairman*: Do you happen to remember what the sentence was? A month in gaol.
649. Simply a month in gaol? Yes.
650. Nothing about a fine? No.
651. That sentence was given by Mr. Jones? Yes.
652. Have you any other knowledge of this case than as a constable—have you any knowledge of any ground of dispute between Capt. Moore and Mrs. Laing? I believe there has been a dispute about some bill; I heard her, during the time she was after being confined, making reference to a bill.
653. The bill was for butchers' meat which had been supplied by Mrs. Laing to Capt. Moore? Yes, to one Woods—some 15s. I think was the amount of the bill.
654. Do I understand you to convey to the Committee your belief that some dispute existed between Mrs. Laing and Capt. Moore, at the time of his making this charge? By what she said I thought so, and I heard her husband saying the same.
655. Who were the Magistrates who in general sat at Liverpool about that time? Mr. Jones and Capt. Moore.
656. It was unusual for any other Magistrates to sit at that time? I do not think we had any others near at hand, except Mr. Bell, and he was twelve miles away at that time.
657. Mr. Jones and Capt. Moore, in fact, conducted the business of the Court? Yes, in general.
658. How often were they in the habit of holding Courts? In general once a fortnight.
659. On what day? Friday.
660. Then the Friday after Mrs. Laing was confined, was one of the days on which there was not a Court? There was no Court that day, but there were single cases of this kind that they took to discharge the prisoners.
661. What do you mean by single cases—cases in which one Magistrate may act? Yes; obscene language comes under the Vagrant Act, and one Magistrate may act.
662. You say that you heard Mrs. Laing tried on Monday, the 2nd March? Yes.
663. What was done with her after the sentence? The clerk was not present, and she was given back to my custody till the clerk would come down on Tuesday to make out the warrant.
664. Have you any knowledge of what took place then? The clerk came down on Tuesday, and I told him Mrs. Laing was sentenced to a month's imprisonment, and I wanted a warrant to convey her to Gaol. He asked the conviction, and I told him a month. He asked if there was no fine; I said "No." Well, he said, the conviction was bad; that it would be better to give her a new trial, or to amend it by adding the fine to it—or rather it would be far better to discharge her. Those were the words Mr. White made use of.
665. What did happen? She was brought up again on the 4th.
666. Who was present then? Mr. Jones and Capt. Moore.
667. No one else? Constable M'Cullum and myself.
668. On the first trial were any of the public present? There were a great many men working in the yard at the time, and the windows were up; some of them I noticed looking in at the window.
669. Capt. Moore, Mr. Jones, yourself, and M'Cullum, were present at the first trial? Yes.
670. No one else? I do not recollect any one else.
671. Was not Senior Constable Redshaw present? I am not positive; I think he was the first day, but I am not sure.
672. Who were present the second day? Only Constable M'Cullum and myself; for the Quarter Sessions were on at Parramatta, and Senior Constable Redshaw was there.
673. Then there was no one present at the second trial but Capt. Moore, Mr. Jones, yourself, and Constable M'Cullum? No.
674. Do you remember what took place? She was fined a pound, or a month's imprisonment.
675. Do you remember anything of the nature of the proceedings—who opened the proceedings? Mr. Jones.
676. What did he say? He said she was fined £1, or a month in Parramatta Gaol.
677. Do you remember his using the expression, "Did you discern that you were fined £1"—those exact words—"Did you discern that you were fined £1 on Monday last"? I could not swear to that; I do not remember it; it might have been made mention of; I am not positive.
678. At all events he did say, "You are fined a pound, or a month's imprisonment"? Yes.
679. What answer did Mrs. Laing make—to the best of your remembrance, of course? I do not recollect her making any answer. She says very little when she is brought before the Bench.

Constable D.
Sutherland.
7 Jan., 1864.

- Constable D. Sutherland.
7 Jan., 1864.
680. *By Mr. Cowper*: Is she frequently brought there? There are four or five convictions against her. She is summoned for to-morrow's Court, for making use of grossly obscene language.
681. Have these proceedings been taken by the police? The last complaint was made against her by the public; the police were called upon by them. She makes a great deal of noise when she gets in drink, but she is quiet when sober.
682. *By the Chairman*: What happened after the second trial? She was taken back to the lock-up, and sent on the 5th to Parramatta.
683. In whose charge? I conveyed her myself.
684. Did you say on the 5th? Yes.
685. On the Thursday? Yes.
686. You gave her over to the Gaoler? Yes, with the warrant.
687. I suppose that is all you know about it? Yes.
688. *By Mr. Cowper*: Does Mrs. Laing bear the character in the district of being a drunken and disorderly person generally? She does; when she takes to drink she goes on for two or three days, or a week sometimes, and when she gets drunk she is a very disorderly woman. Two days ago I was called upon by Mr. Thompson—I had been over to Capt. Moore's with some summonses to sign, and during the time I came out I heard her noise, and Mr. Thompson came after me and called me back; she was making use of fearful language.
689. The case comes on to-morrow? Yes.
690. *By Mr. Hart*: Do you know whether Mr. Jones was in Liverpool between the 26th February and the 2nd March—was he in Liverpool on Friday, the 27th? I am not aware.
691. Can you say, from any entry in your book, whether any conviction took place on the 27th February? (*Witness refers to the book previously produced.*) I see that on the 27th Elijah Smith was confined for drunkenness, and discharged on the 28th.
692. Then it appears that a Court was held on the 28th February, when the case of Elijah Smith was entered into, and he was discharged? Yes; he was confined on the 27th—discharged on the 28th; that would be the second day after her being confined.
693. You have no doubt whatever on that? No, it is entered here.
694. Who discharged him? "Jeremiah Lindé Jones, J.P."
695. Then a Court was held on the 28th? Yes.
696. And Mrs. Laing was not brought before the Court on that day? No.
697. You have already told us the first time she was brought forward was the 2nd of March? Yes.
698. *By Mr. Cowper*: You are watch-house keeper? Yes.
699. Why did you not bring her forward? I bring prisoners forward according to instructions from my superior officer.
700. Who is your superior officer? Mr. Redshaw. Prisoners are sometimes discharged for drunkenness, when we cannot get them to discharge others; there is no Clerk of the Bench every day; he comes down at certain times.
701. *By Mr. Hart*: You observe that Mrs. Laing was tried on the 2nd, when there was no Clerk of the Bench present? Yes.
702. *By the Chairman*: And again on the 4th, when there was no Clerk of the Bench present? Yes, she was detained then for a warrant.
703. *By Mr. Cowper*: Have you any record or notice in your book when the clerk does come down? No.

Jeremiah Lindé Jones, Esq., J.P., examined:—

- J. L. Jones,
Esq., J.P.
7 Jan., 1864.
704. *By the Chairman*: You are a Magistrate? I am. I have been fifty-four years in Her Majesty's Service.
705. You reside in the neighbourhood of Liverpool? I live at Fairfield; I go in almost every day.
706. You hold another office at Liverpool? That of District Registrar.
707. *By Mr. Cowper*: You were the Magistrate who committed and convicted Mrs. Laing on the 2nd March last? I did.
708. *By the Chairman*: Would you like to make any statement in reference to that case? She was brought before me in the usual way; the constable never told me she was taken out of the house. The case was heard in the Magistrates' room, not in the usual Court-room, which was undergoing repair; there was a small table, and Capt. Moore sat at one end and I sat near the other end. The windows were open and the door was open. There were people in the yard who could have heard and seen everything, and some of them came to the window. On Capt. Moore's evidence I committed the woman. I certainly did not mention, in the first instance, the fine of 20s., but I committed her for a month. I grant you I erred there certainly, but I did the thing from the best motives possible, because I did not wish to keep the woman a week longer in the cells, till the Clerk of the Court came down. Frequently when I go in, if there is any one in the lock-up, I take down the depositions and discharge them, when it can be done by one Magistrate. I have done so for upwards of four years I think. But I certainly should not have committed Mrs. Laing—I should have discharged her at once—if I had been aware she had been taken out of her house. I was led to believe the language was made use of in the street, and that she was there and then taken. She was brought forward on the second day, and I then told her, was she aware that she had a fine to pay. I can solemnly and sincerely declare that, till the woman had served her month in Gaol and was out, I did not know she had been taken

taken out of her house. When it came to my ears I sent for Constable M'Cullum, and questioned him why he did not tell me where he took the woman from, "because," I said, "if you had done so I should have disposed of her at once, or if you had told me even in the interim, I should have felt it my duty to have written to the Colonial Secretary to have her discharged from Gaol." I did not suppose that a Magistrate who has been six or seven and twenty years on the Bench would have committed himself in that way, or allowed me to commit myself.

J. L. Jones,
Esq., J.P.
7 Jan., 1864.

709. *By Mr. Cowper*: Were you aware whether there had been any private quarrel between Capt. Moore and this person? I heard of it, but not till afterwards.

710. Did Capt. Moore shew any feeling or *animus* against the woman? I rather think there was a feeling of that sort, but still from my knowledge of the woman, she having been before me three times within six months —

711. For what? For bad language.

712. Who brought her up on these other occasions? Well, I think the constables did.

713. Was she then considered generally a bad character—was she known to you as a notoriously bad character? She was, I must say.

714. *By the Chairman*: There was no personal quarrel between Capt. Moore and yourself? No, nor has there ever been any personal quarrel, because although I have seen Capt. Moore since, I have never spoken to him.

715. At that time you were on very good terms I believe? Yes.

716. And also on very good terms with Capt. Moore at the time of the Hart case? Yes, I was certainly. As a Magistrate I thought he had been for a length of time on the Bench, and would not ever commit himself or allow a brother Magistrate to do so.

717. You are not on good terms with him now? I cannot say I am; I could not sit on the Bench with him.

718. *By Mr. Cowper*: Do you mean in consequence of his deceiving you in this case? Not only in this case, but in others.

DEATH OF JOHN HART IN BENEVOLENT ASYLUM AT LIVERPOOL.

APPENDIX.

(To Evidence given by Mr. T. D. Allen, 7 January, 1864.)

A.

VAGRANCY.

*Commitment under 15th Victoria, No. IV.*New South Wales, }
Liverpool, to wit. }

To Mr. Samuel Redshaw, Senior Constable in the Police Force for Liverpool, in the Colony of New South Wales, and to all other Constables in the said Police Force, and to all other Peace Officers of and for the said Colony, and to the Keeper of Her Majesty's common Gaol, in the said Colony.

WHEREAS Sarah Laing, late of Liverpool, in the Colony of New South Wales, was on this day duly convicted before me, Jeremiah Lindé Jones, Esquire, one of Her Majesty's Justices of the Peace in and for the Colony aforesaid, for that she, on the 26th day of February, in the year of our Lord one thousand eight hundred and sixty-three, and in a certain public street, in the town of Liverpool aforesaid, to wit, in Forbes-street, in the town of Liverpool, did use certain indecent language, to wit, the words "You old bugger"—"You damned bugger"—"You rascally old bugger"—to the annoyance of the inhabitants in the said public street, contrary to the provisions of the Act of the Governor and Legislative Council of the said Colony, made and passed in the fifteenth year of the reign of Her present Majesty Queen Victoria, intituled, "*An Act for the more effectual prevention of Vagrancy, and for the punishment of idle and disorderly persons, rogues, and vagabonds, and incorrigible rogues in the Colony of New South Wales,*" and I, the said Justice, thereupon adjudged the said Sarah Laing, for the said offence, to forfeit the sum of twenty shillings, and in default of immediate payment to be committed to the common Gaol in Parramatta, for the period of one calendar month, unless the said sum should be sooner paid: And whereas the said Sarah Laing, being so convicted as aforesaid, and being now required to pay the said sum, hath not paid the same or any part thereof, but herein hath made a default: These are therefore to command you, the said Mr. Samuel Redshaw, Senior Constable in the Police Force for Liverpool aforesaid, or some other Constable or Constables in the said Police Force, or some other Peace Officer or Officers of and for the said Colony, to take the said Sarah Laing, and her safely to convey to the Gaol as aforesaid, and there to deliver her to the keeper thereof, together with this precept; and I do hereby command you, the said Keeper of the Gaol, to receive the said Sarah Laing into the said Gaol, there to imprison her for the period of one calendar month, unless the said sum shall be sooner paid; and for your so doing this shall be your sufficient warrant.

Given under my hand and seal at Liverpool aforesaid, in the Colony aforesaid, this 4th day of March, in the year of our Lord one thousand eight hundred and sixty-three.

JERH. LINDÉ JONES, J.P.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MISS ISABELLA MARY KELLY.

(PETITION—INHABITANTS OF THE MANNING RIVER.)

Ordered by the Legislative Assembly to be Printed, 10 February, 1864.

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

The humble Petition of the undersigned Inhabitants of the Manning River,—

SHEWETH :—

That your Petitioners have heard with no small degree of surprise, the Report adopted by a Select Committee appointed by your Honorable House, to inquire into the claim made by Miss Kelly for compensation, for losses and injuries said to have been sustained by her in consequence of her incarceration in Darlinghurst Gaol, after a conviction for perjury, but from which confinement she was liberated before the expiration of her sentence; inasmuch as the conclusions of your Select Committee, with regard to the value of Miss Kelly's stock, &c., have been deduced from the unsupported assertions of Miss Kelly, whose estimation of the value of her property, and the extent of her losses, and other injuries received by her, is altogether, to use the mildest terms, most exaggerated, and at the same time most inconsistent with that weight of evidence which tends to shew the actual value of Miss Kelly's property, the extent of her losses, and the very doubtful character of very many of her transactions.

That although nothing definite was stated by Miss Kelly as to the actual number of horses she possessed at the time of her incarceration, yet your Committee have valued such, for the most part imaginary, stock at the incredible sum of six thousand pounds.

That, although your Committee have valued the equity of redemption of the Mount George Estate at two thousand pounds, yet it has been sold to a *bonâ fide* purchaser for five hundred pounds, a sum insufficient to satisfy the claims of the mortgagee.

That, in Miss Kelly's transactions with Messrs. Begbie and Cooper, she made false representations respecting the number of cattle; she never handed over the milking utensils to them, nor the deeds of the estate Waterview, of which she claims possession to the present day; therefore, considering the amount Miss Kelly received, she was no great loser, but, on the other hand, Begbie was the great sufferer, and much more entitled to compensation than Miss Kelly. (*See Mrs. Cooper's letter.*)

Also, that your Petitioners believe that Miss Kelly's sheep were sold for their market value.

Also, that whatever may have been Miss Kelly's losses, injuries, or inconveniences, arising from her incarceration, your Petitioners cannot but be of opinion that they are more attributable to her own wilful conduct than to any other cause, inasmuch as she propagated and circulated the report or assertion that she had sold her cattle to Skerritt, in such a manner that if she did not know it to be true she must know it was calculated to deceive others; and your Petitioners are also of opinion that Miss Kelly's transactions with Skerritt were of a very doubtful character, and no clear proof has been produced shewing that her connection was an unjust one, or to establish her innocence.

That your Petitioners are actuated to memorialize your Honorable House entirely from a desire for public justice, being deeply impressed that, in the investigation before your Select Committee, Miss Kelly has failed to make out a fair or just claim for compensation at your hands, and that if compensation were granted upon such claim it would be a direct violation of all principles of public justice. Your Petitioners therefore pray that your Honorable House duly consider these statements when weighing the evidence furnished by your Select Committee, and should you agree with them, that you will refuse to adopt the Report, and also dismiss Miss Kelly's claim for compensation at your hands.

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

[Here follow 215 Signatures.]

1863.

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,

20 *October*, 1863.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1863.

[*Price*, 2s. 3d.]

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1863.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 6. WEDNESDAY, 1 JULY, 1863.

13. Miss Isabella Mary Kelly :—Mr. Flett moved, pursuant to notice :—
 (1.) That the Report of the Select Committee on the Petition of Miss Isabella Mary Kelly, together with the Proceedings of the Committee, Minutes of Evidence and Appendix, brought up on the 18th December last, be referred to a Select Committee for consideration.
 (2.) That such Committee have power to take additional evidence, and to report.
 (3.) That such Committee consist of the following Members :—Mr. Arnold, Mr. Cunneen, Mr. Garrett, Mr. W. Forster, Mr. Harpur, Mr. Morrice, Mr. Morris, Mr. Stewart, Mr. Allen, and the Mover.
 Debate ensued.
 Question put and passed.

VOTES, No. 9. TUESDAY, 7 JULY, 1863.

8. Miss Isabella Mary Kelly :—Mr. Allen, with the concurrence of the House, moved *without notice*,—That the Minutes of Proceedings and Evidence taken before the Select Committee appointed by the Legislative Assembly, on the 3rd February, 1860, to inquire into the case of Charles Skerrett, laid upon the Table of this House, last Session, be referred to the Select Committee now sitting on the matter of “ Miss Isabella Mary Kelly.”
 Question put and passed.

VOTES, No. 20. FRIDAY, 24 JULY, 1863.

8. Member of Legislative Council as Witness :—Mr. Allen moved, That the following Message be carried to the Legislative Council :—
 MR. PRESIDENT,—

The Legislative Assembly having appointed a Select Committee, for whose consideration was referred, the “ Report of the Select Committee on the Petition of Miss Isabella Mary Kelly, together with the Proceedings of the Committee, Minutes of Evidence and Appendix, brought up on the 18th December last,” and that Committee being desirous to examine the Honorable Sir William Montagu Manning, Knight, Q.C., Member of the Legislative Council, in reference thereto, requests that the Legislative Council will give leave to its said Member to attend and be examined by the said Committee, on such day and days as shall be arranged between him and the said Committee.

*Legislative Assembly Chamber,
 Sydney, 24 July, 1863.*

Speaker.

Question put and passed.

VOTES, No. 23. THURSDAY, 30 JULY, 1863.

2. Member of Legislative Council as Witness :—The Speaker reported that the following Message had been received, yesterday, from the Legislative Council :—
 MR. SPEAKER,—

In answer to the Message from the Legislative Assembly, dated the 24th July, 1863, requesting leave for the Honorable Sir William Montagu Manning, Knight, Q.C., a Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly, “ for whose consideration was referred the ‘ Report of the Select Committee on the Petition of Miss Isabella Mary Kelly, together with the Proceedings of the Committee, Minutes of Evidence and Appendix, brought up on the 18th December last,’ ” the Council acquaints the Assembly that leave has been granted to its said Member to attend and be examined by the said Committee, if he think fit.

*Legislative Council Chamber,
 Sydney, 29th July, 1863.*

T. A. MURRAY,
 President.

VOTES, No. 65. TUESDAY, 20 OCTOBER, 1863.

5. Miss Isabella Mary Kelly :—Mr. Allen, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Select Committee to whom the Petition of Miss Isabella Mary Kelly was referred, on 1 July, 1863, together with Appendix.
 Ordered to be printed.

1863.

MISS ISABELLA MARY KELLY.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 1st of July, 1863, to whom was referred, "*the Petition of Miss Isabella Mary Kelly, together with the Proceedings, Minutes of Evidence, and Appendices, brought up on the 18th of December, 1862, with power to take further evidence and to report,*"—have agreed to the following Report:—

Your Committee have made such inquiry into the said case as the circumstances seemed to demand; and, in addition to the evidence taken by your Committee of last Session, consisting of oral testimony, evidence taken on oath before Police Courts, evidence extracted from the Judge's notes at one of the trials, from the Crown Law Offices, from the Executive Council, together with sundry letters bearing on this inquiry, have procured other oral testimony, the Judge's notes of two other trials incidentally mentioned in the Minutes of Evidence referred, also the reports of his Honor Sir Alfred Stephen to the Government, touching the conviction, imprisonment, and pardon of Charles Skerrett, and two affidavits forwarded to your Committee touching the case of Richards *v.* Andrews, one of the incidental cases in which Miss Kelly was mixed up, all of which will be found amongst the Evidence hereto annexed and Appendix.

Nothing in the inquiry by your Committee of this Session has been produced calculated to disturb in the main the conclusions arrived at by the Committee of your Honorable House appointed last Session, whose Report has been considered amongst the matters referred to them by your Honorable House.

The case appears to assume the following features:—

It appears from Miss Kelly's evidence that she 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

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, 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 Skerrett² 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

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 then started for Sydney, and saw Messrs. Rich, Langley and Butchart, who informed her that they did not know the man—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 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 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 her interest in Brimbin Station and of the whole of her cattle and the pick of twenty horses, and a receipt for £600—£400 paid by 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 Miss Kelly asserts was the first intimation she received of the existence of such documents. 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.

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.

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

Honor Sir Alfred Stephen, and to the Attorney General, J. H. Plunkett, Esq., to have the sentence reconsidered.

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, and afterwards received a full pardon.

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 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.

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.

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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 consequence of this verdict was, 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 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. 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.

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.

For several months after obtaining her liberty she states 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.

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

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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 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*, tried before His Honor Sir Alfred Stephen, in 1858.

It appears that, in 1856, a Mr. William Burt chartered the ship "Harkaway" to take horses to India; he says that Miss Kelly agreed to send twenty horses by this ship, for sale in India, the freight to be £25 for each horse shipped, and five per cent. commission for himself on the net proceeds, after deducting all charges; that Miss Kelly only sent fourteen horses instead of twenty; that being disappointed in the number of horses expected from the Cundle Company and from Miss Kelly, he tried to purchase horses in Maitland, to fill up the ship; this he was unable to do to the full extent of his requirements; that he sailed with six empty stalls in consequence of Miss Kelly's short shipment; that three of her horses died on the passage, leaving eleven horses to land, of which two died shortly afterwards. At the termination of the adventure, Mr. Burt furnished Miss Kelly with a statement of account-sales of the nine horses sold, amounting in the gross to about £599; and deducting the charges and freight for the whole twenty horses, tendered the sum of £44 as the net proceeds of the fourteen horses actually shipped, which Miss Kelly refused to accept.

Miss Kelly denied that any agreement was made to ship twenty horses, and said that at Brimbin Mr. Burt and she had a conversation about the shipment of horses to India, as to the number of horses and rate of charges; that Mr. Burt agreed to charge £25 each only for the horses landed, and 2½ per cent. commission on the proceeds of the

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the sales; that at this time Mr. Burt drew up an agreement, but that neither he nor she signed it. No written agreement was produced on either side, nor any witness to any verbal understanding arrived at in the presence of both parties. Mr. Burt said that three horses died on the passage, and two afterwards; Miss Kelly considered that if five horses so died, Mr. Burt was bound by the custom of the trade, to cut the brands out and produce them as evidence, which he had not done. Miss Kelly brought an action in the Supreme Court for account, and the net proceeds of fourteen horses shipped—Mr. Burt lodged £44 in Court as the net proceeds, and the jury found a verdict for Burt. A copy of Sir Alfred Stephen's notes of this trial is given in the Appendix, page 8.

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. Girard 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. Girard 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 a 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; 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.

The lease above alluded to was produced before your Committee, by Mr. R. P. Abbott, Richards' attorney, at the trial. Some evidence was taken respecting it from Mr. Abbott, but your Committee regret being defeated in their object of forming an opinion as to its genuineness or otherwise, in consequence of Mr. Abbott removing it, along with other papers produced by him, from the custody of the Clerk of Committees, during the interval of adjournment, pending further evidence that he had consented to give, and refusing afterwards to restore it for the inspection of your Committee.

See R. P. Abbott,
pages 1 and 8.

The

The evidence of three of the jurymen who tried the above case was amongst the Minutes of Evidence referred to your Committee; they have also the evidence of the fourth—that of Mr. Mark Spence,—none of which has enabled your Committee to form a satisfactory opinion on the merits of the case. Two statements, made on oath, before Mr. Joseph Creagh, Commissioner for Affidavits at Wingham, will be found in the Appendix. They go to shew the improbability of Miss Kelly having made the lease.

Miss Kelly took steps against Richards at the Police Office, in Sydney, but he would not produce the lease, and she could not procure it; it was taken out of Court after the trial. When Miss Kelly went back to the Manning, she states she took possession of the paddock, repudiated the lease altogether, and Richards did not object.

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

Miss Kelly not having any accounts of her stock or property to place before your Committee, neither having kept memoranda of her losses arising out of the proceedings subsequent to Skerrett's pardon, your Committee are unable to come to a satisfactory estimate of the amount of damages she has sustained thereby; still it is in evidence that your Committee feel justified in placing her own estimate of her property and losses before your Honorable House. Miss Kelly states that when Skerrett commenced the action for perjury against her, in 1859, after having received his pardon, she was worth £10,000, all of which has been expended or lost through that action and its after consequences, and that she has been thereby reduced to penury. Several of the witnesses testify that at this time she was reputed in affluent circumstances.

Your Committee consider the following allegations in the Petition of Miss Kelly proved:—

- 1st.—That Charles Skerrett was convicted of stealing her cattle in 1855, and sentenced to ten years' imprisonment.
- 2nd.—That the two documents A and B, under which he claimed the cattle, are both forgeries.
- 3rd.—That after serving four years of the above sentence, he was liberated and pardoned.
- 4th.—That after Skerrett's pardon he instituted proceedings against Miss Kelly for perjury, in swearing, at his committal, "that the signatures to the documents A and B were not hers."
- 5th.—That Miss Kelly was wrongfully convicted of having committed perjury, and sentenced to one year's imprisonment and a fine of £100.

6th.—

- 6th.—That at the time of the trial the two documents A and B had been mislaid by the Chief Justice, and could not be produced ; in consequence of which, and the mistake of an important witness as to the contents of one of them, her defence was seriously prejudiced.
- 7th.—That afterwards the two documents A and B were discovered in a drawer in the Supreme Court, and forwarded to His Honor Sir J. N. Dickinson, before whom the case had been tried.
- 8th.—That on perusing the two documents, His Honor recommended that Miss Kelly should be released from prison and the fine remitted. Both which recommendations the Government carried into effect.
- 9th.—That Miss Kelly was in prison more than five months, and that her health and constitution suffered severely thereby.
- 10th.—That during the period of her imprisonment and afterwards, Charles Skerrett seized and sold any horses bearing Miss Kelly's brand that he could procure ; that he also seized, where he could, the cattle she had sold to Messrs. Begbie and Cooper during the period of Skerrett's imprisonment.
- 11th.—That Begbie and Cooper had him committed for stealing some of these cattle, and the Attorney General refused to prosecute.
- 12th.—That at the instance of Miss Kelly, Charles Skerrett was committed for forgery, on the 19th of October, 1860, for signing her name to the documents A and B, and the Attorney General refused to prosecute.
- 13th.—That, under these circumstances, Miss Kelly was prevented from protecting her property, and, without any default or neglect on her part, but by a serious miscarriage in the administration of justice, Skerrett was permitted to prey on her property until she was reduced to ruin.
- 14th.—That the Petitioner has made out a complete case for public redress and an absolute pardon.

Your Committee recommend that any redress your Honorable House may deem right to grant may be of a pecuniary nature, and 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 of October, 1859.
- 2nd.—The injury she has sustained by the loss of liberty and health.
- 3rd.—The injury to her reputation and standing in society.

*Legislative Assembly Chamber,
Sydney, 13 October, 1863.*

WM. B. ALLEN,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 3 JULY, 1863.

MEMBERS PRESENT:—

Mr. Allen,	|	Mr. Stewart,
Mr. Garrett,	|	Mr. W. Forster,
Mr. Flett,	|	Mr. Cunneen,

Mr. Harpur.

Mr. Allen called to the Chair.

Order of the House appointing the Committee, by direction of the Chairman, read.
Committee deliberated as to their course of proceedings.

Resolved,—That Mr. R. P. Abbott and Mr. Mark Spence be summoned to attend and give evidence on Thursday next.

Committee further deliberated.

Motion made (*Mr. Harpur*), and *Question*,—That it be an instruction to the Chairman to move in the House,—That the Minutes of Proceedings of, and of Evidence taken before the Select Committee, appointed by the Legislative Assembly, on the 3rd February, 1860, to inquire into the cases of Charles Skerrett, laid upon the Table of this House last Session, be referred to the Select Committee now sitting in the matter of "Miss Isabella Mary Kelly,"—*agreed to*.

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

THURSDAY, 9 JULY, 1863.

MEMBERS PRESENT:—

Mr. Allen in the Chair.

Mr. Flett,	|	Mr. Morris,
Mr. Cunneen,	|	Mr. Morrice,
Mr. Garrett,	|	Mr. Stewart,

Mr. W. Forster.

Minutes of Proceedings of, and of 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 Tuesday, 7th July, 1863,—before the Committee.

Order of the House referring the same, by direction of the Chairman, *read*.

Mr. Robert Palmer Abbott, *Solicitor*, called in and examined.

Witness requested to withdraw.

Committee deliberated.

Witness recalled, and examination proceeded with.

Lease of Mount George Paddock (marked No. 1) *produced* for the *temporary service* of the Committee, and,—

Witness being again requested to withdraw,—

Committee further deliberated.

Witness again recalled, and examination resumed.

The following documents *produced* by witness, on the understanding that they were for the *temporary service* of the Committee, and (together with document No. 1) would be at any time recoverable:—

Letter from Isabella Mary Kelly to Mr. Reuben Richards, dated August 24th, 1859 (marked No. 2).

Receipt for rent, dated 19th day of September, 1859 (marked No. 3).

Lease to Mr. Richards, witnessed by Joseph Andrews, dated 15th March, 1858 (marked No. 4).

Lease originally drawn by Richards, September 19, 1859 (marked No. 5).

Memorandum of agreement (marked No. 6).

Witness withdrew.

Mr. Mark Spence in attendance, pursuant to summons; but examination deferred to Thursday next.

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

THURSDAY,

THURSDAY, 16 JULY, 1863.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

Mr. Stewart,	|	Mr. Harpur,
Mr. Flett,	|	Mr. W. Forster,
Mr. Garrett,	|	Mr. Arnold,

Mr. Morris.

Mr. R. P. Abbott, *Solicitor*, called in and further examined.

Copy of the Judge's notes of the Trial of Richards *v.* Andrews, handed in. (*Vide List of Appendix.*)

Witness requested to withdraw.

Committee deliberated.

Witness recalled and examination resumed.

And certain Members objecting to hear any further evidence from the present witness until a certain expression used by him be withdrawn,—

Witness requested to retire.

Committee deliberated.

Mr. Mark Spence called in and examined.

Witness withdrew.

Committee deliberated, and—

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

TUESDAY, 21 JULY, 1863.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

Mr. Morris,	|	Mr. Flett,
Mr. Stewart,	|	Mr. Harpur,
Mr. Garrett,	|	Mr. Cunneen,

Mr. Arnold.

Mr. Timothy Leane called in and examined.

Witness withdrew.

Committee deliberated.

Motion made (*Mr. Garrett*), and *Question*,—That Mr. Abbot be resummoned, with the view of obtaining the reproduction of the documents which he formerly produced to this Committee, on the condition that they be returned to him at any time he may require them; and this Committee pledges itself that the documents shall not pass out of their possession, if left in it, except to Mr. Abbott, or on his order,—*agreed to.*

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

FRIDAY, 24 JULY, 1863.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

Mr. Stewart,	|	Mr. Cunneen,
Mr. W. Forster,	|	Mr. Arnold,
Mr. Flett,	|	Mr. Garrett,
Mr. Morrice,	|	Mr. Harpur,

Mr. Morris.

Letter from Mr. R. P. Abbott to Chairman, dated 22 July, 1863, in reply to a summons issued in accordance with the resolution passed by the Committee on Tuesday, 21st instant, stating that, although he should be glad to facilitate the business of the Committee, and with every respect for its resolutions, he is compelled to say that he does not think it would be in accordance with his duty to his client to allow the documents referred to out of his possession, and declining to part with the custody of them; but that he has no objection to produce the documents to any Member of the Committee, at his office, for inspection, at any time—read by the Chairman.

(Miss Isabella Mary Kelly present during the examination of witnesses.)

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

Papers called for by the Committee *produced.*

Witness withdrew.

Mr. Matthew Henry Stephen, *Barrister*, called in and examined.

Witness withdrew.

Committee deliberated.

Chairman requested to move in the House, that a message be carried to the Legislative Council, requesting leave for the attendance of the Hon. Sir W. M. Manning, Knt., Q.C.

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

THURSDAY,

THURSDAY, 30 JULY, 1863.

MEMBERS PRESENT:—

Mr. Allen in the Chair.

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

Mr. Flett having stated that he had seen Sir W. Manning, who had informed him that he would be unable to attend the Committee this day,—

It was resolved,—That Sir W. Manning be again summoned for to-morrow, at 11 o'clock; and also Miss Kelly.

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

FRIDAY, 31 JULY, 1863.

MEMBERS PRESENT:—

Mr. Allen in the Chair.

Mr. Stewart,	|	Mr. W. Forster,
Mr. Flett,	|	Mr. Harpur,
Mr. Garrett.		

The following letter from Sir W. Manning, by direction of the Chairman, read by the Clerk, and *ordered* to appear in the Proceedings of the Committee:—

" The Court,
" July 31, 11 A.M.

" Sir,

" I regret to have to state that my engagements in Court at this moment prevent my attendance before your Committee. Probably, however, it will be seen that my absence can be of no consequence, as I should have respectfully to decline giving evidence on the matters on which it is proposed to examine me. Of those matters I know nothing, except as counsel in the case of *Andrews v. Richards*; and it appears to me inconsistent with my position and duty as such counsel, to state what my individual opinion was or is upon the matters then under enquiry. If it were against my client, I should clearly have no right to prejudice him by stating it; and if against my opponent, it is to be apprehended that my view may have been influenced by an advocate's zeal for his client. There may be circumstances in which a departure from the rule I propose to be guided by might with propriety be departed from, but with every respect I cannot think this to be such a case; and I beg, therefore, that the Committee will be good enough to excuse my attendance.

" I have, &c.,
W. M. MANNING.

" The Chairman of Committee

" on *Isabella Mary Kelly*."

Committee then deliberated upon the expediency of printing the copy of the Judge's notes in the case of *Richards v. Andrews*, handed in by Mr. Abbott, on the 16th instant.

To be further considered.

Letter from Timothy Leane to the Chairman—before the Committee.

Committee deliberated, and—

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

THURSDAY, 6 AUGUST, 1863.

MEMBERS PRESENT:—

Mr. Allen in the Chair.

Mr. Cunneen,	|	Mr. Harpur,
Mr. Flett,	|	Mr. Garrett,
Mr. Stewart,	|	Mr. Arnold,
Mr. W. Forster,	|	Mr. Morris,
Mr. Morrice.		

Mr. Charles Croaker, J.P., called in and examined.

Room cleared.

Committee deliberated, and—

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

TUESDAY,

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TUESDAY, 11 AUGUST, 1863.

MEMBERS PRESENT :—

Mr. Harpur,		Mr. Stewart,
	Mr. Garrett.	

In the absence of the Chairman, Mr. Harpur took the Chair.

Mr. John Williams, *Crown Solicitor*, examined.

The following papers were *produced* :—

1. Report from the Chief Justice to the Government, on Petition of Mrs. Skerrett, dated 26 November, 1857.
2. Report from same, dated 5th August, 1858.
3. Ditto ditto dated 6 August, 1858.

Witness having withdrawn,—

Mr. Stephen Campbell Brown, *Solicitor*, examined.

Judge's notes in case "*Kelly v. Burt*" *produced*.

Witness withdrew.

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

FRIDAY, 14 AUGUST, 1863.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

Mr. Garrett,	|	Mr. W. Forster,
Mr. Flett,		Mr. Cunneen.

Miss Kelly called in and examined.

Document *handed in* by Mr. Flett, and marked A.

Witness withdrew, and Committee deliberated as to whether legal documents *produced* by Mr. Flett should be given up to the Committee.

Witness recalled, and examination proceeded with.

Further documents *handed in* by Mr. Flett, and marked B, C, D, E, respectively.

Specimens of Miss Kelly's signatures, written in presence of the Committee of last Session, *produced* by the Clerk, and marked F.

Letter *handed in* by Miss Kelly, and marked G.

Examination concluded.

And, after some discussion, there not being a Quorum present—Committee lapsed.

WEDNESDAY, 19 AUGUST, 1863.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

Mr. Garrett,	|	Mr. Morris,
Mr. Cunneen,		Mr. Harpur,
Mr. Stewart,		Mr. Morrice,
	Mr. Flett.	

Committee met, pursuant to summons, and deliberated.

Motion made (*Mr. Garrett*), and *Question*,—That question and answer No. 843 be expunged from the evidence given by Miss Kelly on Friday last,—*put*.

Committee divided.

Aye, 1.	|	Noes, 3.
Mr. Garrett.		Mr. Stewart,
		Mr. Morris,
		Mr. Cunneen.

Committee then further deliberated upon the expediency of printing the copy of the Judge's notes in the case of *Richards v. Andrews*.

Motion made (*Mr. Garrett*), and *Question*,—That the question of the printing of the various documents *handed in* or *produced* before the Committee, be deferred until the Committee have the whole of the evidence taken before it in print,—*agreed to*.

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

FRIDAY, 21 AUGUST, 1863.

The meeting called for this day, by direction of the Chairman,

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

WEDNESDAY, 26 AUGUST, 1863.

MEMBERS PRESENT:—

Mr. Allen in the Chair.

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

Mr. Arnold.

Letter from Mr. Mullen to the Clerk, dated W. Maitland, 20 August, 1863, stating his inability to attend in Sydney until the conclusion of the Circuit Court—by direction of the Chairman, *read*.

Miss Isabella Mary Kelly called in.

And the Committee proceeding to deliberate,—

Witness requested to withdraw.

The Chairman then proposing to call in a witness named Binkin, whom he had directed the Clerk to summon for this day,—

Motion made (*Mr. Flett*), and *Question put*,—That Mr. Binkin be examined on a future day.

Committee divided.

Ayes, 2.	|	Noes, 4.
Mr. Garrett,	|	Mr. Harpur,
Mr. Flett.	|	Mr. Cunneen,
	|	Mr. Stewart,
	|	Mr. Morrice.

Mr. Arnold declining to vote,—

Motion then made (*Mr. Harpur*), and *Question*,—That Mr. Binkin be now called in,—*put*.

Committee divided.

Ayes, 4.	|	Noes, 2.
Mr. Harpur,	|	Mr. Flett,
Mr. Cunneen,	|	Mr. Garrett.
Mr. Stewart,	|	
Mr. Morrice.	|	

Mr. Arnold declining to vote,—

Mr. Nicholas Henry Binkin called in and examined.

Witness withdrew, and—

Miss Isabella Mary Kelly further examined.

Two papers marked A and B, respectively, handed to witness for comparison of signatures.

Witness withdrew.

Committee deliberated.

Re-assembling of Committee to be arranged by Chairman.

[Adjourned.]

FRIDAY, 18 SEPTEMBER, 1863.

MEMBERS PRESENT:—

Mr. Allen in the Chair.

Mr. W. Forster,		Mr. Harpur.
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Committee having met, pursuant to summons, deliberated, and—

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

TUESDAY, 22 SEPTEMBER, 1863.

MEMBERS PRESENT:—

Mr. Allen in the Chair.

Mr. Garrett,	|	Mr. Stewart,
Mr. Cunneen,	|	Mr. Harpur.

Committee deliberated upon the expediency of appending certain Papers before the Committee, which had been *handed in* or *produced* during the inquiry.

Motion made (*Mr. Harpur*), and *Question*,—That the Judge's notes in the case of *Richards v. Andrews* (*handed in* by Mr. Abbott on the 16th July last) be appended to the Evidence,—*put*.

Committee divided.

Ayes, 3.	|	No, 1.
Mr. Cunneen,	|	Mr. Garrett.
Mr. Harpur,	|	
Mr. Stewart.	|	

Motion

Motion made (*Mr. Cunneen*), and *Question*,—That the Judge's notes in the case of *Kelly v. Burt* (*handed in* by Mr. Brown on 11th August last) be also appended,—*agreed to*.
The Chairman here handed in two Affidavits made by John Paton and Patrick Conolly, respectively, relative to the lease of Mount George Paddock.

The same ordered to be appended, as also two reports and a letter from the Chief Justice, dated 26 November, 1857, 5 August, 1858, and 6 August, 1858, respectively, upon Petition for mitigation of Skerrett's sentence for cattle-stealing.

Committee deliberated, and decided upon considering a Report at the next meeting.

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

TUESDAY, 29 SEPTEMBER, 1863.

By direction of the Chairman, the meeting called for this day—
[Postponed to Tuesday, 6 October, at *Eleven o'clock*.]

TUESDAY, 6 OCTOBER, 1863.

MEMBERS PRESENT:—

Mr. Allen in the Chair.

Mr. Harpur,	|	Mr. Stewart,
	Mr. Morris.	

Chairman submitted a Draft Report.

The same read 1^o, and considered.

Certain amendments made.

Ordered, That the Draft Report be printed and *circulated*, prior to its final consideration by the Committee.

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

FRIDAY, 9 OCTOBER, 1863.

In consequence of the adjournment of the House from the 8th to the 13th instant, the meeting called for this day lapsed.

TUESDAY, 13 OCTOBER, 1863.

MEMBERS PRESENT:—

Mr. Allen in the Chair.

Mr. Garrett,	|	Mr. Stewart,
Mr. Cunneen,		Mr. Morris.

Committee met, pursuant to summons.

Printed copies of Draft Report previously circulated amongst the Members of the Committee.

Draft Report read 2^o, paragraph by paragraph.

Paragraph 1 read, and agreed to without amendment.

Paragraph 2 read, and verbally amended.

Motion made, and *Question*,—That the paragraph as verbally amended stand part of the proposed Report,—*put*.

Committee divided.

Ayes, 2.

No, 1.

Mr. Cunneen,	|	Mr. Garrett.
Mr. Stewart.		

Paragraph 3 read, verbally amended, and agreed to.

Paragraphs 4 and 5 severally read and agreed to.

Paragraph 6 read.

Motion made, and *Question*,—That the paragraph as read stand part of the proposed Report,—*put*.

Committee divided.

Ayes, 3.

No, 1.

Mr. Morris,	|	Mr. Garrett.
Mr. Stewart,		
Mr. Cunneen.		

Paragraph 7 read.

Motion

Motion made, and *Question*,—That the paragraph, as read, stand part of the proposed Report,—*put*.

Committee divided.

Ayes, 3.	No, 1.
Mr. Morris,	Mr. Garrett.
Mr. Stewart,	
Mr. Cunneen.	

Paragraph 8 read and amended.

Motion made, and *Question*,—That the paragraph, as amended, stand part of the proposed Report,—*put*.

Committee divided.

Ayes, 3.	No, 1.
Mr. Morris,	Mr. Garrett.
Mr. Stewart,	
Mr. Cunneen.	

Paragraphs 9 to 18 severally read and agreed to.

Paragraph 19 read, amended, and agreed to.

Paragraph 20 read and agreed to.

Paragraph 21 read, verbally amended, and agreed to.

Paragraphs 22 and 23 severally read and agreed to.

Paragraph 24 read, amended, and agreed to.

Paragraph 25 read and agreed to.

Paragraph 26 read, verbally amended, and agreed to.

Paragraph 27 read and agreed to.

Paragraph 28 read.

Committee deliberated.

Motion made (*Mr. Cunneen*), and *Question*,—That the paragraph, as read, stand part of the proposed Report,—*put*.

Committee divided.

Ayes, 3.	No, 1.
Mr. Morris,	Mr. Garrett.
Mr. Stewart,	
Mr. Cunneen.	

Paragraph 29 read.

Committee deliberated.

Motion made, and *Question*,—That the paragraph, as read, stand part of the proposed Report,—*put*.

Committee divided.

Ayes, 3.	No, 1.
Mr. Morris,	Mr. Garrett.
Mr. Stewart,	
Mr. Cunneen.	

Paragraph 30 read, verbally amended, and agreed to.

Paragraph 31 read.

Motion made, and *Question*,—That the paragraph, as read, stand part of the proposed Report,—*put*.

Committee divided.

Ayes, 2.	No, 1.
Mr. Cunneen,	Mr. Garrett.
Mr. Morris.	

Paragraphs 32 to 39 read and negatived.

The following new paragraph, proposed by Chairman in lieu thereof:—

“ Miss Kelly not having any accounts of her stock or property to place before your Committee, neither having kept memoranda of her losses arising out of the proceedings subsequent to Skerrett’s pardon, your Committee are unable to come to a satisfactory estimate of the amount of damages she has sustained thereby; still it is in evidence that your Committee feel justified in placing her own estimate of her property and losses before your Honorable House. Miss Kelly states, that when Skerrett commenced the action for perjury against her in 1859, after having received his pardon, she was worth £10,000, all of which has been expended or lost through that action and its after consequences, and that she has been thereby reduced to penury. Several of the witnesses testify that at this time she was reputed in affluent circumstances”—*read*.

Motion made, and *Question*,—That the paragraph, as read, stand part of the proposed Report,—*put*.

Committee divided.

Ayes, 2.	No, 1.
Mr. Cunneen,	Mr. Garrett.
Mr. Morris.	

Paragraph

Paragraph 40 read, section by section.

Section 1 read and agreed to.

Section 2 read.

Motion made, and *Question*,—That the section, as read, stand part of the paragraph,—*put*.

Committee divided.

Ayes, 2.	No, 1.
Mr. Cunneen,	Mr. Garrett.
Mr. Morris.	

Section 3 read and agreed to.

Section 4 read, amended, and agreed to.

Section 5 read and amended.

Motion made, and *Question*,—That the section, as amended, stand part of the paragraph,—*put*.

Committee divided.

Ayes, 2.	No, 1.
Mr. Morris,	Mr. Garrett.
Mr. Cunneen.	

Section 6 read, viz. :—

“ 6th.—That at the time of the trial the two documents A and B had been mislaid
“ by the “ Crown,” and could not be produced; in consequence of which, and
“ the mistake of an important witness as to the contents of one of them, her
“ defence was seriously prejudiced.”

Motion made (*Mr. Garrett*), and *Question*,—That the word “ Crown ” in the second line be omitted.

Question,—That the word proposed to be omitted stand part of the section,—*negatived*.
Word omitted.

Motion made (*Mr. Morris*), and *Question*,—That the words “ Chief Justice ” be inserted in place of the word omitted,—*agreed to*.

Section, as amended, agreed to.

Section 7 read, amended, and agreed to.

Section 8 read, verbally amended, and agreed to.

Section 9 read, verbally amended, and agreed to.

Sections 10 and 11 read and agreed to.

Section 12 read, amended, and agreed to.

Section 13 read and negatived.

The following new section, proposed by Chairman in lieu thereof—

“ 13. That, under these circumstances, Miss Kelly was prevented from protecting
“ her property, and, without any default or neglect on her part, but by a serious
“ miscarriage in the administration of justice, Skerrett was permitted to prey
“ on her property until she was reduced to ruin”—*read*.

Motion made, and *Question*,—That the section, as read, stand part of the paragraph—*agreed to*.

Section 14 read and amended.

Motion made, and *Question*,—That the section, as amended, stand part of the paragraph,—*put*.

Committee divided.

Ayes, 2.	No, 1.
Mr. Morris,	Mr. Garrett.
Mr. Cunneen.	

Question then,—That the paragraph, as amended, stand part of the proposed Report,—*put*.

Committee divided.

Ayes, 2.	No, 1.
Mr. Morris,	Mr. Garrett.
Mr. Cunneen.	

Paragraph 41 read, verbally amended, and agreed to.

Motion made, and *Question*,—That the Report as read be the Report of this Committee,—*put*.

Committee divided.

Ayes, 2.	No, 1.
Mr. Morris,	Mr. Garrett.
Mr. Cunneen.	

Chairman to report to the House.

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1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE PETITION OF

MISS ISABELLA MARY KELLY.

THURSDAY, 9 JULY, 1863.

Present:—

MR. ALLEN,
MR. GARRETT,
MR. CUNNEEN,
MR. FLETT,

MR. W. FORSTER,
MR. MORRICE,
MR. MORRIS,
MR. STEWART.

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

Robert Palmer Abbott, Esq., called in and examined:—

1. *By the Chairman*: You are an attorney? Yes.
2. This is a Committee appointed to take further evidence in the case of Miss Kelly about some proceedings that were instituted against her criminally, and also against Charles Skerrett, in the Supreme Court—do you know anything of the matter? Nothing of that particular matter. I have nothing to do with Mr. Skerrett's or Miss Kelly's affairs.
3. *By Mr. Flett*: Do you know anything of the trial of the case of Andrews against Richards in the Supreme Court in Sydney? Yes, I was attorney for Mr. Richards in that action.
4. Are you aware that Miss Kelly was not believed on oath upon that trial? Yes, I am.
5. Are you aware that a certain document was produced upon which the whole action hinged? Yes.
6. That was a lease given by Miss Kelly to Reuben Richards? Yes, Miss Kelly denied having signed that document.
7. *By Mr. Morris*: And the jury believed she had? Yes, she was examined at great length; she was several hours in the witness box, but the jury believed she did sign it.
8. *By Mr. Flett*: Have you that lease? Yes, I have.
9. Will you produce it? Yes; but at the same time that I do so I do not consider that I would be justified in allowing the lease to go out of my own possession; in fact my client's liberty might be at stake if that lease were lost. (*The witness produced the lease marked I.*)
10. Referring to this lease you are aware that there were other circumstances than the signature that led to the belief that it was Miss Kelly's document—was not the body of the lease in her handwriting? Yes, the evidence of Richards went to prove that; and there was besides that a letter written by Miss Kelly to Mr. Richards about a month before the date of that which is admitted in her evidence to be correct.
11. Have you that letter? Yes. (*The witness produced the letter marked 2, dated 24 August, 1859.*) That letter offers him a lease in almost similar terms. There was one matter with reference to this document that was dwelt on in the case of Richards and Andrews, namely, the peculiarities of spelling. This lease is proved to be all in Miss Kelly's handwriting; and on a comparison of this lease with letters and other documents written and signed by her, the peculiarities in the spelling were remarked as being exactly similar. For instance, Richards' name in all Miss Kelly's letters is spelt "Ruben," the first syllable not spelt with an "e." That was a point very much dwelt upon on the trial, and on a comparison of the letters written by Miss Kelly to Richards, addressed to him, and documents with his name written by her, it will be found they are all the same. I have compared them since.

Robt. Palmer
Abbott, Esq.

9 July, 1863.

- Robt. Palmer 12. *By Mr. Garrett*: Have you any other documents with that name? Yes, I have a receipt
Abbott, Esq. from Miss Kelly, dated 19th September, 1859, spelt in the same way. (*The witness pro-*
duced the same, marked 3.)
- 9 July, 1863. 13. Was that receipt admitted by Miss Kelly on that trial? No, that was not put in evidence. I think there can be no doubt that it is her writing.
14. What was the date of this trial? May, 1860. I have other documents, apparently between Miss Kelly and Richards; one is a lease of Mount George Cottage, from Miss Kelly to Richards; that, as well as I recollect, was admitted by Miss Kelly to be correct; it is witnessed by Mr. Andrews. (*The witness produced the same, marked 4.*) I have another document, which is a lease originally drawn by Richards—of course I speak from the evidence adduced at this trial—I do not know it of my own knowledge—this lease was drawn by Richards and taken to Miss Kelly, according to an agreement made between them, when she was to have had a witness to see her execute it. When Richards got to the place he found there was no one there to attest her signature. He objected to take it, and she then said, "I will copy your lease, and every one will know my writing." (*The witness produced the same, marked 5.*) The one first handed in appears to be a copy of this.
15. Are they both dated the same date? Yes, 4 and 5.
16. *By the Chairman*: Is this (*No. 5*) acknowledged by Miss Kelly? No, because that would be an acknowledgment of the other. It was in that way he accounted for both being signed.
17. *By Mr. Morris*: Why did he take the second lease without being attested if he would not take the other? That was the plan proposed by her, that she should copy it altogether.
18. *By the Chairman*: Did she admit it? No; that is his explanation of having two copies; she does not admit any part of it. I had another document—prepared in Mr. Mullen's office—from Miss Kelly to Richards—an agreement for sale; the sale was never carried out, and the document was cancelled. (*The witness produced the same, marked 6.*) From a comparison of the signature of that document with others, there can be no doubt that is Miss Kelly's signature.
19. Does Miss Kelly admit this to be her signature? I am not certain but I think she did. It was put in evidence, and I think it was admitted as being correct. It was prepared in Mr. Mullen's office some years ago.
20. What is the date? 6th May, 1857.
21. *By Mr. Garrett*: It was produced for the purpose of proving the signature? Yes.
22. Was it produced by your side or by the other? It was in my possession and was produced by me. Of course that could not be denied; it was prepared by Mr. Mullen as her solicitor.
23. Will you refer to questions 1559 and 1560 of Mr. Mullen's evidence, given before the Committee of last year. (*The witness referred.*) Do you think the three leases referred to by Mr. Mullen's, in answer to question 1560, are the three leases you now produce? Mr. Mullen speaks of three leases. Of course I can know nothing of what he saw, but these leases, and all these documents I have now, I believe were in Richards' possession at the time he speaks of, and they must have been those shewn to Mr. Mullen.
24. *By Mr. Flett*: You speak of the name Reuben having been wrongly spelt by Miss Kelly—are you aware that Richards ever spelt that word wrongly in any documents he sent to you? No, I received documents and letters innumerable in the progress of the case; I have looked through many of them, and I have not found that he has spelt his name in any but the proper way—*Reu.*
25. Do you recollect a pen being given to Miss Kelly, and her being asked to write some words when she was in the Supreme Court, and that she wrote those words in the same way as they are written in this lease? I recollect her being asked to write several words by Sir William Manning, and I know the effect was what he expected; what the words were I cannot now say, but I have a copy of the evidence taken upon that trial, and I shall be happy to let the Committee see it if they wish.
26. You have no doubt, from the result of that trial, that Miss Kelly was really believed to have committed perjury? There can be no doubt that if the document was a forgery Richards had no case.
27. Do you recollect Richards being tried for perjury in Maitland? Yes, I recollect having heard of it at the time and afterwards.
28. And he was liberated sometime afterwards? On hearing some points were reserved, although I did not defend him, I looked into the matter, and considering the judgment was not correct I supported a special case before the full Court, on the hearing by counsel, and the conviction was quashed on the points reserved, and on the production of some documents supposed to have been written by Joseph Andrews in connection with the same matter.
29. You are aware that Reuben Richards was prosecuted by Miss Kelly before the Supreme Court in Sydney for assault? Yes, she had a summons issued from Sydney, and Richards was brought from the Manning River I think two or three times. I endeavoured to have the case heard at the Manning as he had no means. I thought it was unfair to have him brought to Sydney, where he could not produce his witnesses. However the case was heard, and he was committed for trial at the Criminal Court, for an assault on Miss Kelly. I defended him and he was acquitted. Miss Kelly accused him of having used her very violently, and of having fired pistols within some yards of her.
30. Not one word of which was believed? Well, he was acquitted.
31. You are also aware that he has been brought up to the Police Office, at Sydney, several times? He has been so often that at this distance of time I cannot say how often, or upon what particular charges, but I know he was had up immediately after this trial of Richards and Andrews, I think for the forgery of this document.

32. *By Mr. Garrett:* Of this lease? Yes, and I think Mr. Brennan was acting for Miss Kelly. He subpoenaed me to produce the documents, and I would not. I considered that the man was being persecuted, and I would not assist them in the persecution; the matter fell to the ground in consequence.

Robt. Palmer
Abbott, Esq.
9 July, 1863.

33. The charge of forgery fell to the ground? Yes; it could not be proceeded with; I would not produce the document. In fact, if I had produced it it would have been assisting them to make out their case against my client.

34. *By Mr. Cunneen:* You mention that the case against Richards for forgery fell to the ground on account of the absence of some document? That was the case in Sydney; he was prosecuted in Maitland by Andrews.

35. By whom was he prosecuted for perjury? At Maitland—that was the case in which he was convicted by William Andrews.

36. The case which you referred to in your answer just now? I spoke of both.

37. What document was it that was not forthcoming? That was in Sydney; this lease—I refused to produce it.

38. Do you think if it had been produced it would have militated against Richards? Not in the least; but then there would have been sworn evidence; Miss Kelly would have sworn, and no doubt she would have got others to help her, who would have sworn that she had not done it; perhaps, too, I should have had to defend him without his having the means of meeting the expense, and perhaps he would have been committed. In fact I dared not, I could not, produce it without his consent.

39. That lease was not produced on the charge of perjury against him? I forget whether it was a charge of perjury or of forgery.

40. You held this back because you thought it would prejudice his case if it were produced? No; because he would not allow me to produce it.

41. For what reason? Because it would assist his opponents in their case, not because he was guilty of forgery.

42. You think this would have assisted them in making out a case of forgery? If he had been committed I would have produced it at his trial, but I would not give it to assist in his committal.

43. Do you think if it were not a forgery it would have been likely to assist? Yes, there are many cases in which a man is committed, who is proved afterwards to be innocent of the offence charged, and who ought not to have been committed. In the case at Maitland, Richards was committed and convicted because he had no one to defend him, but the Court upset the conviction.

44. Were you his attorney on this occasion? Which occasion?

45. The occasion you have referred to of his being prosecuted in Sydney? Yes, it was soon after the trial of Richards and Andrews, and I acted for him. I held these documents, as his attorney, and could not be compelled to produce them because it would have been contrary to my duty. They had no more right to ask me to produce that document than they had to ask Richards to do it. I stood in his place.

46. You acted, I suppose, according to professional practice, of holding back any document which might injure your client, without considering whether it was a forgery or not? I could not produce a document against my client which belonged to him, and had been left in my possession.

47. *By Mr. Garrett:* It would have been making the man a witness against himself? Precisely; besides, I believed the document was genuine.

48. *By Mr. Cunneen:* The facts which you have stated in your evidence to-day did you obtain as the attorney defending Richards? I got all these documents when I brought a civil action for Richards against Andrews, and held them after, and I have held them ever since.

49. All these facts and documents you produced, as counsel, on your own side of the case? Yes; I only produced my own side.

50. These are only the facts and documents connected with one side of the case? I do not know anything of the other side at all. Of course I could not speak to their belief, or the strength of their case. I produced them in my own case, and I made out my own case, that is all I know.

51. As the attorney of Richards? As the attorney of Richards.

52. And as opposed to Miss Kelly? Not to Miss Kelly. Miss Kelly had nothing to do with that; she was a mere witness.

53. *By Mr. Morris:* You are well acquainted with Reuben Richards's signature? Yes, I have seen it a good many times.

54. Does he always sign in the same way? No, I think not.

55. Would it be possible for a person unacquainted with his numerous signatures to be able to say that any two signatures that he may have given were signed by him? I think I could say what were his signatures and what were not. I have seen him sign but two different ways.

56. Will you look at this lease No. 1 and lease No. 4 (*handing them to the witness*), and the agreement No. 6, and say whether the whole of these were written by the same person, Reuben Richards? I have no doubt as to their having been written by Richards.

57. If they were all written by one person it would be apparent that the writer could write in very various hands? I do not say so. I think, upon close examination, you will not find they are very different. In some cases the capitals are differently formed, and the writing may be larger, but I think the person who wrote them could not write a good hand if he were to write for ever. I have had so many letters from him that I do not think I would hesitate to say, if a letter were put into my hands, whether it came from him or not.

58. Is there any likeness, as a matter of fact, between the last signature in lease No. 1 and the memorandum of agreement, No. 6? No, they are not written at all alike.

- Robt. Palmer 59. I ask the question, which you need not answer unless you like, being the solicitor of
Abbott, Esq. Richards—can you produce a lease from Miss Kelly, in which is included the power to sub-
let a paddock at Mount George? There is no such thing in a lease; the power to sub-let
must be taken away. A man has the power to sublet, under any lease, unless it is taken
away from him. I have not looked at this lease lately. I do not know whether there is
anything of the kind in it.
- 9 July, 1863. 60. Have you copies of any other leases for that same property, signed by Miss Kelly?
Copies! Have I any original leases?
61. Have you any original? Yes; there is the second I have produced.
62. Have you a third? No, but I have a copy; I think it was forwarded by Richards before
I got the original from the Bench of Magistrates at the Manning.
63. In whose handwriting was it? I think Richards'. I have a copy.
64. Will you produce that? I have it in my office.
65. Is it exactly the same as these two leases you produce? I could not say. On looking
through this I see that it is not exactly a copy, although having the same effect.
66. *By Mr. Forster*: You say Miss Kelly was not believed on oath, on some occasion—how
do you know that? Because the whole case hinged on the genuineness of this document.
67. That is your opinion, that they would not believe her on her oath? Yes. I know
nothing of Miss Kelly personally, except in my character as Mr. Richards' attorney.
68. Do you judge of her from that particular case? As I have told the Committee before,
I defended Richards on her prosecution of him at the Criminal Court. She swore some
extraordinary things, and the jury did not believe her.
69. You believe that these are her signatures? Yes, I believe the lease on which we
depended at the trial, was written by her. I believe this document is genuine, taking it in
connection with that letter written by Miss Kelly offering almost similar terms.
70. You never saw Miss Kelly write out any documents of this kind? I saw her give
specimens of her writing at the Supreme Court.
71. You did not see her write any long document? At Sir William Manning's suggestion
she wrote some sentence. It was put to her to try how she would spell certain words, and
also to obtain a specimen of her writing.
72. Have you compared that writing with this? I did at the time.
73. And it satisfied you? Yes, and Sir William Manning also. I do not remember now
what the particular sentences were.
74. *By Mr. Stewart*: Were you acquainted with her signature from having seen her sign
her name at any time? I knew nothing of Miss Kelly till I commenced this action
against Andrews, but since then I have seen documents with her handwriting, both old and
of recent date. Personally I know nothing of Miss Kelly. Except in Court I never saw
her write.
75. In the case you were engaged in, the jury believed your side right? Yes; the case
lasted three or four days—from morning till night. A great deal of evidence was taken. I
have a copy of the Judge's notes.
76. *By Mr. Garrett*: In the case of Richards against Andrews—is that a certified copy
from Court? It is a copy of the Judge's notes, furnished to me by the Judge's clerk, on
application made for a new trial by Andrews.
77. Then all you can state as to the production of these documents and other matters, which
bear upon Miss Kelly's veracity, is from that evidence. Yes; from knowledge obtained
during the trial and since.
78. Have you any objection to produce that evidence on the same condition as that upon
which you have produced these papers to-day? I have no objection to place them at the dis-
posal of the Committee; they are not original documents, and I have no farther use for them.
79. There has been some question about Reuben Richards' handwriting—what number of
descriptions of signatures have you seen? I do not know of more than two—he may have
altered the shape of a letter or so. One is a cramped miserable little hand; the other an
attempt at flourishing writing. Richards fancies himself a scholar, and wishes to appear so.
80. That is your explanation of the different character of the writing? Yes.
81. You have never seen him write more than two different signatures? I cannot say that
I have seen him write at all; but in the letters I have received I think he almost
always writes the body in the same hand. I do not think he could keep up the flourishing
hand he affects in his signature.
82. *By Mr. Morris*: Look at that signature (*handing paper. Vide Appendix A. in Evidence
of last Session*)—whose signature is that? I think Richards'.
83. Will you look at the body of that document and say whose writing that is? It is like
Richards'.
84. If you received that letter would you be satisfied that it was written by Richards? I
would not take it upon myself to swear to Richards' signature unless I knew what the con-
tents of the letter were. If it were a matter known between Richards and me, to which the
letter referred, I should be ready to receive it as his signature; but without knowing
the contents of the letter I would not speak to the signature; I would have the same
difficulty with reference to the signature of any other person.
85. Look at lease No. 1—could you swear that lease No. 1 was not written by Richards
himself? No, I would not swear; I believe every word is in Miss Kelly's own handwriting,
taken in connection with other evidence, and certain peculiarities in itself.
86. Would you undertake to say as positively with regard to the letter I first gave you, that
that was written by Richards? No, because I have been poring over that for the last two
or three years; there is hardly a letter in it that I have not compared with writing in other
documents. I could not be so confirmed in an opinion with reference to any document
produced to me for the first time.

87. Is not that letter in the general handwriting of Richards? I would not be at all surprised to find that it was Richards' handwriting, but I could not say whether it was or was not. Robt. Palmer
Abbott, Esq.
88. Compare the small signature in the lease No. 1 and the signature in the letter handed to you—do they not bear internal evidence of being written by the same person? No, I think not; if you compare them letter by letter you will hardly say so. 9 July, 1863.
89. Is there not a greater resemblance between the two signatures than between the two signatures of Richards in lease No. 1? Knowing this lease to be Richards' I could hardly give an opinion.
90. Is it not more different from his own signature upon the same lease than the small signature on the lease is different from the signature on the letter which I handed to you? Decidedly—it is a different handwriting; but on comparing these two signatures I think you will find they are not a bit like, except as to the size of the writing.
91. Are not the "R's" exactly alike? I think not; the R in the document you gave me is more like a B, and then the finish of "Richards" is very different.
92. Is there any greater difference between this signature and others than ordinary; you say his signatures are varied? I never examined Richards' writing, excepting as I have received letters from him, and I have seen both the large and small writing, but as to comparing it letter by letter, I have never paid so much attention to the matter as I have done since I have been answering your questions.
93. Is it your impression, on looking at that letter, that it was written by Richards? I should not be surprised to find that it was written by Richards, but I am always cautious about speaking of any person's handwriting. I would not swear to my own handwriting, unless it were in connection with other circumstances.
94. Still you speak confidently with regard to Miss Kelly's signature? That was in connection with the evidence produced at the trial, and the letter which Miss Kelly admitted to be hers. I examined the document, letter by letter with that letter, and so I believe did all the jury and the counsel on both sides. A document could not have had a more careful examination. I would not speak with the same confidence respecting any document placed before me for the first time; I could not do it.
95. Are you aware that Richards' wife often writes his letters for him? I never saw her; I do not know her; she was not down at this trial.
96. *By Mr. Garrett:* Were there any other peculiarities in Miss Kelly's mode of writing Reuben besides omitting the "e" in the first syllable? I do not remember any other.
97. Will you look at the endorsement upon that letter. (*Handing witness a letter.*) How is that word Reuben spelt? Rubin.
98. Was that peculiarity noticed in others? Yes.
99. Will you compare the signature to this letter (*Appendix A*) with the address on the letter No. 2? (*The witness examined the same.*)
100. Do you notice any difference between the signature on one and the address on the other? The R is more like B.
101. Are the other letters much alike? I do not think they are. In one it is spelt "Reu," with no distinct letters for the rest of the word, and in the other (*No. 2*) it is "Ruban."
102. With regard to the signature at the foot of lease No. 1, do you think the difference in the second signature is caused by the fact that there is not so much room in it as in the other? I thought that before, although he often writes in that cramped way.
103. Do you recollect whether on that trial the question arose as to the great improbability of a person's forging another's handwriting through a whole document? No doubt it is much easier to forge a signature than a whole document.
104. Do you ever recollect an instance of a successful forgery of a whole document? I have had no experience; I cannot say. I think if Richards forged the document, he would be much more likely to have all the signatures the same than to have them different. It would make the document look more correct.
105. Then it was considered as proved before the Court, that the whole of that document was in her handwriting? The document was proved to be. Richards swore that the document was in her handwriting and signed by her; if he had not been believed on that point the verdict would have been against him, but the jury considered the evidence good, and gave a verdict accordingly.
106. *By Mr. Cunneen:* Will you refer to the printed evidence, page 61, Questions 1558 to 1560—you know Mr. Mullen? Yes.
107. He is a man who stands high in his profession? He has a large business in Maitland.
108. You believe his statement there as to Richards producing three leases for the same property, dated the same day? I do not believe Mr. Mullen would willingly tell — In fact I do not think I am justified in giving an opinion as to Mr. Mullen's veracity. I do not think I should be asked such a question.
109. Do you think it a likely thing that Miss Kelly would sign three leases of this property, bearing date the same day? I think Miss Kelly would do anything in carrying out a plot she had formed; that is my opinion; of course it is merely an opinion.
110. You have a strong opinion—a prejudice—against Miss Kelly? I have no prejudice, but I have a strong opinion as to her management of affairs generally, and I have reason for it.
111. You have always been opposed to her professionally? I have never been employed professionally against her at all, except on this case, where I defended Richards against her; but in this civil action I had nothing to do with her, except as a witness; she was interested in proving this lease to be a forgery.

- Robt. Palmer
Abbott, Esq.
9 July, 1863.
112. As a professional gentleman, and from your experience as such, is it usual for an individual to sign three leases, bearing the same date, for the same property? Two are always signed.
113. Did you ever know an instance of a person sign three leases for the same property, bearing the same date? No; I never did.
114. There is no necessity that that should be done in any case? There are always two.
115. I am asking you about three? In this case the third was accounted for by the absence of attesting witnesses, and by Miss Kelly's offer to make a copy of the lease herself.
116. In this particular case, was there any necessity that Miss Kelly should give three leases for the same property? No necessity; but her having done so was accounted for by Richards, who said, when he took the two copies of the lease, there was no one present to witness the signature, and Miss Kelly said, "I will copy it altogether myself, as every one will know my hand." It will be found that this is not exactly a copy of Richards' lease, in the wording or spelling. It looks as though she had sat down and run it off, so that in that case there might have been four leases.
117. *By Mr. Garrett*: Miss Kelly would have retained one? She ought to.
118. *By Mr. Cunneen*: Is it likely that Miss Kelly would have given Reuben Richards all the leases that would have been signed, instead of keeping them in her own right? I do not know whether she did; so far as my opinion goes—
119. I wish you to confine yourself to the question—either answer me or not as you think fit;—is it likely that, instead of keeping these leases, Richards would have the whole of them in his possession? Richards took the leases to her, and as she had no witnesses (as there was not a soul in the place) he objected to take the lease; she then said, "I will copy this myself, as every one will know my handwriting."
120. *By Mr. Garrett*: You think that will account for the statement of Mr. Mullen about the three leases? That will account for two; I do not know anything about a third, unless it was a copy; I never had a third.
121. *By Mr. Cunneen*: According to this evidence, Mr. Mullen was asked by Richards whether he thought it was like Miss Kelly's signature;—do you think he had any need to ask such a question if he knew it was her's? Yes, I think he knew who he had to deal with, and so did most people on the Manning; that was why he had this second lease, and I suppose in a similar way he asked this question of Mr. Mullen.
122. Do you think, when this lease was presented to the attorney who found a flaw in it, it was possible that Richards could have had another lease prepared by Miss Kelly with emendations, and produced it on the same day? That would depend upon where Miss Kelly was.
123. Do you think it likely he could produce three leases, and when the emendation was made, get Miss Kelly to copy and sign the lease in the same day? It would depend upon where the person to sign the lease was; if Miss Kelly were near the place she could easily sign the lease at once.
124. *By Mr. Flett*: Are you aware that Mr. Mullen has been acting as the solicitor for Miss Kelly? No, I cannot say whether he has or not.
125. *By the Chairman*: You have been speaking of this lease No. 1, which is said to be disputed, and which was produced by Richards at the trial of Andrews? Yes.
126. Was this other (No. 5) produced? Yes, I think that was produced too.
127. Who produced that (No. 4)? I believe they were all produced by Mr. Richards.
128. No. 2—was that produced on the trial? Yes, these were all produced by Richards on the trial.
129. To shew that this was similar writing to this (*the letter of Miss Kelly*)? No, that letter was produced to prove that the contents of the lease were in accordance with it.
130. In whose handwriting is this document? I think that is Richards'. There are only the letter and the lease itself in Miss Kelly's handwriting that I know of.
131. Is this (No. 5) Richards' handwriting? Yes.
132. Was there any other document produced at that trial by him? Yes, I think there were fifty documents.
133. On your side? Yes.
134. Where are these? I have them.
135. Have you them present? No; I brought all I was told by Mr. Flett.
136. All that Mr. Flett told you? Yes.
137. And you kept back what he told you not to bring? I did not. I do not consider that I am here to have such imputations cast upon me, and I shall decline to answer any such questions, and do not think you have any right to ask me. I brought such documents as I thought necessary, and I will not have the imputation cast upon me of keeping back what should be produced.
138. I understood you to say, when I asked you why you did not bring other documents, that you had brought the documents Mr. Flett told you? Yes.
139. Mr. Flett told you to bring them? Yes.
140. Did he tell you not to bring any other documents? No.
141. How did you manage to pick out these from the rest? I had them all ready.
142. You had been communicated with about them before that? Yes, often at the trial, on which Mr. Flett was a material witness.
143. Who first engaged you in that trial between Richards and Andrews? Richards.
144. Had you any communication with any other person? None whatever. At the same time that I answer it I consider that you have no right to ask such a question.
145. Did you ever get a guarantee for your expenses? None whatever. I did not, up to the trial, get a sum sufficient to pay half the counsels' fees paid by me.

146. Did you ever refuse to take this case of Richards'—to defend him until you got a Robt. Palmer guarantee for the payment of expenses? No; I never did, nor spoke to any person upon the subject. Robt. Palmer
Abbott, Esq.

147. Did you know Richards before the trial? No; I knew him when he instructed me. 9 July, 1863.
He was sent to me by Mr. Forbes, the Crown Prosecutor; he, I believe recommended me to Richards.

148. Did you ever make any inquiries about whether he was able to give you a guarantee for the payment of your expenses? I made the inquiry I usually make, whether he had sufficient means to carry on the action.

149. And you got them? Yes, sufficient to commence; and when he came down unprepared with funds sufficient at the trial, I should either throw the case up at that late period, or go on at my own expense. I did the latter believing the case to be a good one.

150. About this spelling of Reuben Richards' name, you say that in Miss Kelly's papers it is spelt "Ru?" Yes.

151. In this lease it is spelt "Reu?" Yes.

152. And therefore you think this lease must have been written by Miss Kelly? It is one strong fact in corroboration of Richards' statement.

153. Supposing a person were going to forge a lease, and the person upon whom he was going to forge had this peculiarity, would he not write the lease in the similitude of the person upon whom he was going to forge? It would depend upon his ability. I do not think Richards had sense enough to do it.

154. I merely ask you as to the likelihood, if a person were going to forge the writing of another, of his spelling according to the peculiar style of the person whose writing he imitated? If there were any marked peculiarity in the spelling, and he were a clever forger, he would adopt it.

155. You say Richards had this writing of Miss Kelly's? Yes, he had that letter.

156. And he knew of this peculiarity of Miss Kelly;—do you not then think he would be likely to spell his name in this peculiar way if he were going to forge her writing? I did not notice it until the trial. Sir William Manning remarked it. It was not observed till the trial was half concluded.

157. Do you think it is likely he would spell his name in the usual way when he was forging Miss Kelly's writing, knowing that she spelt it differently? I cannot say what it is likely he would do.

158. The fact is that he had this knowledge that Miss Kelly spelled his name "Ru"? He had that letter. I can say nothing farther.

159. In that letter the name is spelt in that way? Yes.

160. And in the lease it is spelt in the same way? Yes.

161. Miss Kelly denied having written or signed this lease? Yes.

162. Who proved she did sign it? Half a dozen different witnesses, in different ways; no direct testimony as to the fact of signing but Richards'.

163. Did any person see her sign it? Richards said there was nobody there but himself.

164. Richards swore that he saw her sign it? Yes.

165. Nobody else? Nobody else; but I could have brought another half dozen—a great many more witnesses—to prove that it was her handwriting.

166. But no person saw her sign this lease? No; but these persons could speak to facts that happened before and since.

167. To the character of the writing? Yes.

168. There was no one who could say that Miss Kelly signed this lease but Richards? For the best of all reasons: there was nobody there.

169. Then Miss Kelly swore that she did not sign it, and Richards swore that she did sign it? Yes.

170. Then it was Miss Kelly's oath against Richards'? Yes, with all the facts besides. There was this letter, and all the other evidence before the jury.

171. We only want the truth from you; we do not want to make out a case either for or against Miss Kelly. We do not want to colour the evidence—that was the fact? As to the actual lease, only two people saw it—Miss Kelly and Richards; that was admitted by both. She said she did not, and he said she did sign it.

172. Then you brought, in corroboration of Richards' statement, the fact of the similarity of Miss Kelly's writing to this document? That was for the jury to judge themselves.

173. What would you consider to be a perfect forgery? That which could be most easily established as genuine would be the most perfect.

174. That most similar to the writing of the party forged upon? No doubt of that.

175. You would consider it, no doubt, a very difficult matter to arrive at a satisfactory conviction, in a case of forgery, where there was no other evidence than this similarity of writing? Where there was merely similarity of writing I should be afraid to swear to my own signature if written a year ago, so that I would not decide in such a matter upon the mere signature of another.

176. You stated that you assisted in the liberation of Richards on a charge of perjury? Yes.

177. Did Miss Kelly leave the copy of a lease at Mount George, when she was brought to gaol, do you know? I do not know anything of her proceedings previous to this lease, except what I heard out of doors.

178. You say you have the Judge's notes? A copy of the Judge's notes.

179. You would not have any objection to handing them to the Committee? No; they are very easily obtainable; the Committee may have my copy if they please.

- Robt. Palmer
Abbott, Esq.
9 July, 1863.
180. You stated that Richards would not take this lease from Miss Kelly unless there were a witness to attest the signature? Yes; that was the reason she proposed to copy it herself, because she said everyone knew her writing, and there could be no doubt about it.
181. Here are the two signatures we have been speaking of before; will you measure the length which these two signatures occupy upon the different papers? (*Handing lease No. 1 and Appendix A to witness.*) Are they not pretty equal in length? No doubt about it.
182. Are they generally of the same character? I do not think so; there is a difference in the R's; this is more like a "B."
183. Is it not turned outwards at the bottom stroke? It is turned in at first as if it were a B.
184. That (*Appendix A*) was put before a former Committee as Reuben Richards' genuine signature? I do not know anything about that.
185. Are they not the same style of writing? They are both in a cramped hand, but there is a great difference in the signature.
186. Would you have any objection to bring to the Committee, on some future day, all the papers that were produced at the trial? I have no desire to keep anything back from the Committee.

THURSDAY, 16 JULY, 1863.

Present:—

MR. ARNOLD,	MR. GARRETT,
MR. FLETT,	MR. HARPUR,
MR. W. FORSTER,	MR. MORRIS,

MR. STEWART.

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

Robert Palmer Abbott, Esq., again called in, and farther examined:—

- Robt. Palmer
Abbott, Esq.
16 July, 1863.
187. *By the Chairman:* You were, on the last day you were examined, asked to produce some other documentary evidence in this case? Yes.
188. Have you those papers now? I have a copy of the Judge's notes.
189. Will you hand it in? (*The witness handed in the same.*)
190. You said you would also produce some letters of Miss Kelly? With regard to the other documents, which are original, they belong to my client, and after what I consider was a breach of faith in the arrangement made with me on the last occasion that I was before the Committee, with reference to the papers I then produced, I do not think I would be justified in handing them over to the Committee.
191. *By Mr. Forster:* I do not understand what the witness means by a breach of faith? On my applying for these papers under the arrangement made that I was to have them whenever I wished, the clerk refused to give them to me.
192. I do not understand what the witness means by a breach of faith? It is this: These documents were handed to the Committee under a particular arrangement; the understanding was, that I was to have them whenever I required them.
193. Whom do you charge with a breach of faith? In accordance with the understanding I came for these documents to the clerk, and he said that he had the instructions of the Chairman not to give them to me.
194. Who do you charge with breach of faith? The Chairman. There was no other name mentioned by the clerk; he will tell you himself what his instructions were.
195. *By the Chairman:* I made no arrangement to give you back these documents. Did I not warn you, when these documents were given, that if you did not desire to let them go in evidence, that you had every opportunity of withholding them—that we could not compel you to produce them; but that if you voluntarily produced them here as evidence, I had no power to give them back? I appeal to the Committee whether this arrangement was made with me or not, that upon my application for them to the clerk he was to deliver them up. When I went to him there was no other name than the Chairman's used, and the refusal was grounded upon the direction he had received from the Chairman.
196. Did he give them to you? He did. I insisted upon it, and he gave them to me.
197. Do you refuse to return them? Yes.
198. *By Mr. Garrett:* Except upon the condition on which you originally produced them? No, I do not think I would be safe in again producing them. (*The witness was ordered to withdraw. The Committee deliberated. The witness was again called in.*)
199. *By the Chairman:* The Committee think you should withdraw the expression charging them with breach of faith? I have no objection to put the sense of what I say into any other words they think proper. The Committee are quite welcome, any or the whole of them, to see to the papers whenever they like, but I do not consider myself safe to let them out of my possession again.
200. *By Mr. Flett:* When you used the expression "breach of faith," you did not apply it the Committee? No; I explained that I only heard the Chairman's name mentioned. The clerk said he was under his orders, and that he could not disobey them. I know nothing of any other Member of the Committee.
201. *By Mr. Stewart:* Unless you are prepared to qualify your statement in some other way we will not hear any more evidence from you? I have no desire to give evidence, but as I have said before, that if the Chairman gave orders that I was not to get these papers it was a breach of faith, for the arrangement was distinctly understood.

202. *By the Chairman*: Upon these papers that you handed in the Committee had come to no decision, and you could not with any propriety ask for these papers between the sittings of the Committee—How could you ask for documents which were still under the consideration of the Committee, when you had promised to furnish other papers? The documents were in my possession, and I was to have access to them whenever I thought proper; it was merely discretionary with me when I should do so—that was the arrangement.

Robt. Palmer
Abbott, Esq.

16 July, 1863.

Mr. Stewart objected to the further examination of the witness, unless the expression "breach of faith" were withdrawn. The witness having declined to withdraw the expression, was directed to withdraw.

Mr. Mark Spencé called in and examined:—

203. *By the Chairman*: You are a draper in Pitt-street? I am.
204. This is a Committee appointed to inquire into some matters connected with the case of Miss Kelly and Charles Skerrett—Do you know anything of the circumstances of that case? Not of Miss Kelly and Skerrett.
205. Do you know anything of another matter, when Miss Kelly gave evidence about a lease? Yes.
206. *By Mr. Flett*: You were a juryman in that case? Yes.
207. In the case of Richards against Andrews? Yes.
208. For defamation of character? Yes, libel and trespass. I think there were three counts and six or seven issues.
209. Richards gained upon the whole of them? Yes, every one.
210. The whole of the evidence in that case hinged upon a lease that was given by Miss Kelly to Richards—Andrews having stated before the Court of Petty Sessions at the Manning, that this lease was a forgery? Yes.
211. Miss Kelly was a witness in that case? Yes.
212. She denied this lease? Yes.
213. Denied that she had signed it or had ever given a lease, and she was not believed? She was not.
214. From documentary evidence placed before the jury at that time, and from letters written by herself and which she admitted, she was not believed? She was not believed at all on any point that I can remember.
215. As a juryman were you perfectly clear—did you take all necessary pains to come to a correct conclusion—had you any doubt in your mind? I had no doubt in my mind. We were three or four hours in the jury-room, as to what amount should be allowed for slander, trespass, and malicious prosecution; but we had no doubt as to not believing Miss Kelly.
216. You believed that the lease was Miss Kelly's? Yes.
217. The whole of it? The signature and all.
218. *By Mr. Morris*: The lease you mean? Yes.
219. *By the Chairman*: You saw some of these letters of Miss Kelly? Yes.
220. Did you see a letter at the top of which the date was altered? I did not notice it; I cannot remember that.
221. Do you recollect in what way Miss Kelly spelt the name of Reuben Richards? Yes.
222. How did she spell it? Rubun I think, but I have the whole of the evidence in my pocket.
223. How was the name spelt in this forged lease? It was spelt that way in the forged lease as you call it.
224. Did you see it so? I think so.
225. Are you quite sure? I am quite satisfied it was spelt Rubun in the forgery; to the best of my recollection it was spelt Reuben in the copy and draft, but in the lease itself it was spelt Rubun.
226. With respect to the character of the writing — ? While the trial was going on the Judge himself put several words to her to write, and she wrote them in precisely the same way as she had written them in the lease; "administration" was one of the words, I think.
227. Was the writing of the letter written in a weighty or in a light hand—a lady's weighty hand or in a light hand? I would not like to say; I cannot remember.
228. Was the lease in a weighty or a light hand? I cannot say, but I remember from what Dew said that it was a heavy hand; one of the leases that Richards shewed to Philip Dew was written with a heavy hand.
229. Were all the three leases produced written by Miss Kelly? No; at least none of the jury believed they were, and Mr. Yeo, the bookseller from Mr. Moffitt's, and Mr. Goold, the bookseller of Pitt-street, were called and examined as to whether the paper on which they were written was the same, and they were decidedly of opinion that the papers were different.
230. That is Miss Kelly's note and the lease? No; but the draft of the lease and the real lease are different papers.
231. Was there any evidence of any person who saw Miss Kelly sign this lease? No, there were no witnesses present when she signed or wrote the lease.
232. There were no witnesses to the lease? No.
233. She said this was a forgery, and he said it was not? Yes.
234. And the evidence he brought forward to prove his case was that it corresponded with other writing of Miss Kelly's? Yes, but that was only a portion of his evidence.

Mr. Mark
Spence.

16 July, 1863.

- Mr. Mark Spence.
16 July, 1863.
235. *By Mr. Harpur*: As all forgeries must do? Some forgeries do not agree with the writing they are intended to imitate.
236. *By the Chairman*: You think if this were a forgery it was a good forgery? I do not know about that, but if I saw it again I could perhaps tell better. I cannot remember every little circumstance. I remember the evidence was that Richards took the draft and copy to her to sign; that she signed them, and afterwards wrote out the lease at length, and signed it.
237. And she said she did not do it at all? Yes.
238. Was there a receipt produced at this trial, for rent that Richards paid Miss Kelly? I do not remember that.
239. Were you aware that Miss Kelly and Skerrett had some dispute at the time this trial was going on? I think it came out in the evidence that there was a case either going on at the police office, or that had been going on.
240. Were you aware that Miss Kelly had been in gaol for perjury, for stating at another trial that she had not signed what the jury said she had signed? I did not know the particulars; I knew from common report.
241. Do you not think that would be calculated to make you suspicious of what she might say in a particular case immediately afterwards? It might, but it would depend upon the circumstances, as my opinion would be formed in accordance with the balance of testimony.
242. And therefore you would have the better watch on her? No doubt.
243. Suppose a forgery were committed upon you, and your writing were brought in evidence to prove that you had written this article or communication, and you were conscious you never had done it, and there was no evidence to the forgery, how would you prove that you did not write it? I do not think any one could forge my name.
244. That is not the point—supposing a forgery to be committed? I suppose there would be some date to the document, and if I did not sign it, I could state where I was and what I was doing at the time.
245. At that particular hour of the day? Yes.
246. Supposing a jury did not believe you, what would you do then? I might bring the people I was talking to at the time.
247. You might not be talking at all—you might be lying upon your sofa, taking your siesta? You might as well say, suppose London Bridge was to break down when I was walking over it.
248. We have this case before us according to Miss Kelly's statement, and I ask you how you would act under similar circumstances if it happened to yourself? It would depend upon circumstances; if I were, as you suppose, in no way specially engaged, I should have no particular evidence to bring.
249. Put it in any way you like? Suppose a person was to forge my name exactly, and that I knew I did not sign the paper; I might be at dinner at the time some false evidence stated that my name was not forged, and in that case I should have plenty of witnesses to prove that it was a forgery.
250. Let us come to the point—how would you defend yourself? I could deny it, but a denial is not considered a sufficient defence, and I should then bring some thing or some person to establish the denial.
251. *By Mr. Morris*: You would bring something—what would be that something? I might be engaged at the time, and be able to bring evidence of how I was engaged.
252. Would you not endeavour to shew that your accuser was unworthy of credit, if you could do so? Perhaps I might take that course, or I might justify myself in some other way.
253. Suppose the jury did not believe you, and were to say, "Mr. Spence has just been in gaol on a charge of perjury—it is a habit he has," how could you defend yourself? I could only deny the charge, and substantiate the denial with circumstantial evidence.
254. Character would come in there, either to aid the evidence on one side or on the other? Yes, if I had no other evidence, but I might have some other evidence.
255. *By Mr. Harpur*: With reference to the supposition of a charge being made against you for forgery, I understood you to say that the document would have some date, or that you would be able, by reference to your diary, to know what you were doing at the time it was alleged you had signed the document, and that that would afford you a means of defence? Yes.
256. Have you ever lived in the bush? No.
257. You are aware that people are not so regular in their habits there as in town, and that they might be puzzled, after the expiration of two or three months, to say what they were doing on a particular day—would not the monotony of the life of people living in that way preclude them from any means of defence such as you have referred to? Perhaps they would not have such a precise means as I should.
258. Will you be kind enough to say what kind of evidence you had—did you compare the handwriting of Miss Kelly when the lease and other documents were shewn to you? Yes.
259. Did you see any of her old handwriting? I think we had some of her letters, and compared them with the lease.
260. Did you examine any persons conversant with handwriting and competent to pass an opinion upon it? There was some evidence of that kind examined.
261. Was the microscope made use of? Yes, or a glass of some kind.
262. *By Mr. Arnold*: On the occasion of this trial, did the question principally depend upon the validity of this document that was produced considered to be a forgery? Yes, all depended upon that, for Richards could not have sustained the action unless the jury had believed it to be a genuine lease.
263. How many jurors tried the case? Four.

264. Were you unanimous in believing the document genuine? Yes.
265. Was Miss Kelly examined at the trial? Yes.
266. She said it was a forgery? She denied having made it—she said she was ill at the time, and in her own evidence it came out that she rode twenty miles a day or two afterwards.
267. Did it come out in evidence that this person had got into possession of certain premises which he professed to hold under this lease? Yes, he was in possession, for he impounded some of Andrews' cattle and pigs.
268. Then under the authority of this alleged lease, which was said to be a forgery, he had entered upon premises that belonged to Miss Kelly? Before this lease was drawn he was in possession, I think, partly, but that lease confirmed it.
269. For how long a period was the lease? I do not remember.
270. There was no difference of opinion among the jurors as to the genuineness of the document? No, they were all satisfied that it was genuine; and Mr. Rowley, who was Judge's clerk at the time, pronounced it a genuine document.
271. *By Mr. Morris*: In coming to the conclusion that the lease was not forged, but written by Miss Kelly—did you rely upon the credibility of the witnesses? Of course we did, but not wholly.
272. Independently altogether of the internal evidence of the document, had that any weight? I think it had.
273. Supposing it had been proved before you that Richards was a man unworthy of credit, would that at all have affected your verdict? I do not think it would, for, independently of Richards' evidence, we were of opinion that the lease was genuine, and that opinion was supported by Miss Kelly's evidence in her cross-examination.
274. Supposing it had been proved before you that Richards had written the documents himself, and he had denied it—what would you have said then? I do not think it would have shaken our opinion of the lease, although it might; but that is scarcely a feasible supposition, as the evidence was clearly in favour of the presumption that the lease was genuine.
275. You are so confident in your own ability to discriminate between the different characters of handwriting, that you would prefer that opinion to the test of the credibility of witnesses? You are not putting that question rightly—perhaps I ought not to say that. Independently of Richards altogether, there was our own opinion corroborated by Mr. Rowley and Mr. Flett.
276. Then supposing a lawyer of character had been examined before you, and had stated that he, knowing Miss Kelly's handwriting, did not believe that Miss Kelly had written this, and farther, that he had seen that lease at a previous time, and had told Richards himself that it was not Miss Kelly's writing—what would then have been your verdict? We should then have weighed his evidence against Mr. Rowley's and against our own opinion.
277. Could you have gone against such evidence as that? Supposing the other evidence were stronger, of course we could.
278. *By Mr. Harpur*: If you had had additional evidence of a different character, you might have arrived at a different conclusion? Yes, if it had been strong enough to sway our judgments.
279. *By Mr. Flett*: You recollect that when Sir William Manning was addressing you upon the case, he drew your attention to the fact that it would have been an easy thing to forge a signature, but that it was an extremely difficult thing to forge a whole document, and that such a thing had never come under his notice? Yes, I remember that distinctly.
280. You recollect also that while the trial was going on, there was documentary evidence laid before you that strongly corroborated the belief that this was her handwriting? Yes, her own letters.
281. And particularly a letter from a man named Leane, stating certain instructions he had got to Richards, and that letter was admitted to be in his own handwriting? Yes; he was offered a situation, or was told that something would be done for him.
282. *By the Chairman*: Do you remember anything of the nature of that letter? I do not; but what I remember is that Leane—I am giving an epitome of his evidence—was a witness of hers, he was a man of hers too, and he was promised some position in the police if he could be got into it, if he came to Sydney to give certain evidence in her favour. That was about the nature of the evidence he gave; I think he was looking after her horses, and putting up some stable.
283. Did he get into the police? No, I think he was still with her, if I mistake not, at that time, but I remember some offer being made to him—Sir William Manning drew it out of him in evidence.
284. With respect to a forged document of this character, the forgery being upon yourself—you are a draper, and have young men under you who sometimes go up the country to commence business. Now suppose one of your young men were to write up to you a letter, inquiring at what prices you would let him have a quantity of goods, mentioning those goods, and you agreed to let him have those goods; and suppose some time after, you discovered that he had opened a shop and was selling your goods, and you were to charge him with having stolen those goods, and had him brought before the Court, how would you defend such an action if he produced an invoice of the general character of your invoices—a perfect fac-simile—and stated that he had purchased those goods from you? There would be the terms of agreement, and all the other collateral circumstances to fall back upon.
285. Suppose he produced an invoice in which you said that you had received the money—

Mr. Mark
Spence.

16 July, 1863.

- Mr. Mark Spence.
16 July, 1863.
- a receipted invoice? I cannot conceive such a case as that, as it is void of the circumstances usually incident to business transactions.
286. There are some articles in your business which are spelt in different ways—how do you spell mousseline-de-laine? That is spelt in different ways—sometimes mousselin-de-laine, and sometimes muslin-de-laine.
287. We will take mousseline-de-laine. Supposing you constantly spell this in the French way, that you have never been known to spell it muslin, but in this invoice it is spelt muslin, would you not bring that before the jury trying the validity of this invoice, as a strong fact in proof of your not having written this invoice, and do you not think the jury would take cognizance of that? I think they would; but I should probably prove something more substantial than that.
288. Do you not think it would be a strong presumption in your favour, if you could shew that you had always spelt it in the French way? No doubt that would be one strong point.
289. Then again, cassimere and kerseymere are words used to express the same article. Suppose that you were known always to have spelt this word in one way, and in the invoice it was spelt differently, would not that be a matter for the jury to consider? Yes.
290. You have stated that Reuben is spelt in a particular way in Miss Kelly's letters? Yes.
291. But that Reuben Richards spells it differently, and that it is spelt in the forged lease as Reuben Richards spells it? I think it is spelt Rubun in the lease.
292. Suppose it is spelt in a different way from that in which Miss Kelly spells it—is not that a strong point in her favour? I do not think that, for I think it came out in evidence that Miss Kelly adopts different styles of spelling.
293. Mr. Abbott's evidence is that she always spells it wrongly, and in the lease it is spelt in the same way as in a letter from Reuben Richards, said to be genuine—is not that a point? Yes; but if she spells her words in different ways, I should not place much reliance upon the form in which any particular word is spelt.
294. That is not the point; she always spells it wrongly, and in these letters and in the lease it is spelt correctly? I do not think it is.
295. *By Mr. Harpur*: The inference that she adopted different modes of spelling is based upon the assumption that these different documents are in her handwriting, which is denied by her? Yes, but the draft and the copy were not hers.
296. *By Mr. Garrett*: Do you not think if a person were to attempt to forge a document in which another name appeared, he would endeavour to adopt the style of spelling as well as that style of writing of the person whose signature he forged? Yes; or else it would not appear like a forgery, unless a similar style were adopted.

TUESDAY, 21 JULY, 1863.

Present:—

MR. ARNOLD,	MR. GARRETT,
MR. CUNNEEN,	MR. HARPUR,
MR. FLETT,	MR. MORRIS,
MR. STEWART.	

WILLIAM BELL ALLEN, Esq., IN THE CHAIR.

Mr. Timothy Leane called in and examined:—

- Mr. T. Leane.
21 July, 1863.
297. *By the Chairman*: You are a constable in the D Division of Police Force No. 36? Yes.
298. You have been summoned here to give some information with respect to Miss Kelly's dealings with Charles Skerrett, and other matters growing out of these dealings, which we understand you know something about—Do you know Miss Kelly? Yes.
299. Were you superintendent with her at any time, or in her employment? I was in her employment.
300. What position did you occupy in her employment? I was hired as stockman, and to make myself otherwise generally useful. After I went to the situation, she said I was to have charge of the place.
301. Do you remember what season of the year that was in? I do; I hired with her on the 28th April, 1859.
302. At what time did you leave? I left about the 8th May, 1860.
303. At the time you were in Miss Kelly's employment, was there a Mr. Gerrard up there? There was.
304. What was he doing there? Superintending the place.
305. Was he superintending or managing for Miss Kelly? I believe he was managing for Lennon and Cape, as far as I could learn from his own talk.
306. Had Miss Kelly any sheep at that time? She had.
307. What number? When I went there, upwards of 1,300—between 1,300 and 1,400.
308. Were you there at the lambing season? I was.
309. What became of the lambs? The greater portion of them were knocked on the head.
310. For what purpose was that done? Mr. Gerrard said the sheep would fatten and become saleable sooner. His orders were to knock them on the head as soon as they were dropped.
311. Have you any idea of the number killed in that way? I should say between 500 and 600.

312. Were any of the lambs reared at all? There were some.
313. How many do you suppose? I should say about thirty—between thirty and forty.
314. You say there were between 500 and 600 of the lambs killed, in order that the mothers might fatten? Yes.
315. Were the mothers afterwards sold? Yes.
316. Did they get fat? They did not; the day before they left the station, we killed what we thought the best, and she only weighed forty-two lbs.
317. Had Miss Kelly any cattle at that time? She told me she had sold them to Begbie and Cooper.
318. Did you know the cattle? Yes, I did know a great number of them.
319. What number do you suppose she had—If you cannot give a pretty fair statement of the number, do not say anything about the matter? I could not say, but I heard Mr. Begbie say that they scarcely mustered 500, though they bought them at 500.
320. Did you know that they bought them at 500? Miss Kelly told me so; that was all I knew about it, for I was not there at the time.
321. Had she any horses at this time? She had.
322. What number of horses do you suppose she had? I should say somewhere about 400.
323. That would include young and old? Yes, all ages; that I could see on the runs I went through.
324. Where they ever mustered in your time? They were not all mustered.
325. Was there any muster in your time, or any attempt to muster? Yes.
326. Can you remember how many were mustered? I could not exactly remember, but I mustered more than 150 myself, and Mr. Gerrard mustered the rest that he could catch.
327. Did Mr. Gerrard sell any of the horses? He did.
328. Was there any disagreement or dissatisfaction between Mr. Gerrard and a man named Skerrett? Yes.
329. Did Skerrett claim any of the horses? He did.
330. Did he get any of them away? Not to my knowledge.
331. Had you any person to Court, during your time with Miss Kelly, for stealing horses or cattle, or anything of that kind? I had not, but I recollect that Mr. Gerrard had, a man named Francis Deuny, and another named William Ladd, for being illegally on the run and having a mob of cattle camped on the run.
332. Whose cattle were they—whose brand? Miss Kelly's brand.
333. *By Mr. Flett*: Not her cattle? I do not know that they were.
334. *By the Chairman*: What were they going to do with them? They had them camped when I got at them, and we were under the impression that they were going to drive them away.
335. How many head of cattle do you suppose they had? Between thirty and forty head.
336. Were these part of the cattle that were sold to Begbie and Cooper? They were, but there might be some stragglers among them.
337. These men were brought up at what Bench? Wingham Bench.
338. Who were the Magistrates on the Bench at the time? Mr. Flett was one.
339. *By Mr. Flett*: Were you at the Court? Yes.
340. Did you see me there? Yes.
341. On that day? Yes.
342. When these men were brought before the Bench? Yes.
343. What became of them? You dismissed the case.
344. What were they brought there for? For being illegally on the run.
345. *By the Chairman*: The case was dismissed? It was.
346. Had Miss Kelly any other property there at the time, besides these 400 horses—pigs or anything of that sort? No.
347. You left upon the 8th May? About the 8th May, 1860.
348. Why did you leave—your time could not have been up? My time was up, and Miss Kelly was in Sydney.
349. What did you leave for—were you dismissed? I was not.
350. Did you leave at Miss Kelly's wish, or did you leave of your own accord? I noticed her and told her to get another person, I wrote her to that effect, for I was afraid to stop there.
351. Can you give the Committee any information with respect to this case which you think it desirable for us to know—anything you know of your own knowledge with respect to the conduct of Mr. Gerrard with these horses and sheep, and the management of the property generally? It was only a few days after we heard that Miss Kelly was convicted that Skerrett came to the station to me; Mr. Gerrard was up then, but he was away, and he asked me, was I in charge? I said I was, in Mr. Gerrard's absence; he said there were some horses of his on this run, and he wanted to muster them, and he gave me notice that he would come on a certain day to muster them, and I asked him what brand were his horses; he said MK brand; I said they were Miss Kelly's horses, and that I did not think Mr. Gerrard would tolerate any one's coming to muster them; he said there were thirty among them of the MK brand belonging to him; he came another day, and I was then riding a horse with a MK brand upon it; he told me to get off the horse, for that the horse was his; I would not do so, and he took out a warrant and arrested me; I was taken before Mr. Andrews, and was bailed till the Petty Sessions at Wingham. When I was brought before the Bench at Wingham the case was dismissed; Mr. Flett very kindly said he thought there was no charge against me, for that Skerrett never had possession of Miss Kelly's horses or cattle.
352. Do you know whether Skerrett succeeded in getting possession of any of these horses or not? I do not. He took one from the boys while going through the brush one day, for
the

Mr. T. Leane.

21 July, 1863.

- Mr. T. Leane. the sheep station—that was rescued by Mr. Gerrard and I; we found him hobbled at Mount George, where Mr. Reuben Richards lived.
- 21 July, 1863. 353. You found the horse there? Yes; he was hobbled; we found it necessary to wrest him from this Reuben Richards.
354. Was Reuben Richards there when you took the horse away? Yes.
355. Did he make any objection? Yes; we took the horse by force.
356. Did he make any objection? Yes, he said he was acting for Skerrett.
357. Did Reuben Richards or Skerrett say why the horse was detained? Skerrett was not there, but his son James was.
358. What did he say about it? He said his father would resent it.
359. Did he resent it—did he bring you up for it? Yes.
360. And Mr. Gerrard? Yes.
361. What was the consequence of that trial? He did not appear to prosecute; we were remanded, under heavy bail, for six weeks.
362. Did he ever appear? No; the case was dismissed.
363. He did not appear the second time? No.
364. Did he say that he was acting for the Official Assignee in Andrews' estate, or in any other body's? No; Andrews was not insolvent at that time—that was before the suit commenced between Andrews and Richards.
365. Did he say he was acting for any Official Assignee? He did not.*
366. Did he claim them as his own property? Yes, he prosecuted me for the same horse before.
367. That was the horse you were riding? Yes.
368. What colour was it? A brown horse with a brand MK, and a burn on the off rump.
369. What sort of property was this at Mount George—was it valuable? A portion of it was very valuable, very good brush land.
370. Agricultural land? It was not agricultural land.
371. Would it be if it were broken up? It would very good; that which Paton had was very good land.
372. *By Mr. Garrett:* About the number of cattle that Begbie and Cooper mustered—do you know of your own knowledge how many there were? I could not exactly say, but as far as I could guess or could understand—having no notion that I should ever be asked the question—I should say there were 400 of them; I am aware that I heard Mr. Begbie say so, and they sold some of them to butchers and to other persons.
373. Out of the 400? Out of the whole, whatever the number was.
374. Do you know of your own knowledge upon what ground Skerrett claimed the horses? Because he said he had bought them of Miss Kelly.
375. When was that sale? Previous to his conviction, he said.
376. Do you know anything of that transaction? I do not.
377. What was the impression in the district, as regards that original transaction between Miss Kelly and Skerrett—was it generally looked upon as a *bonâ fide* transaction, or as a mere sham? The people I have heard speaking about it have said he never bought the cattle.
378. That there was no transaction at all between Miss Kelly and him? The people believed that there was some transaction, but that it was not a *bonâ fide* sale.
379. Most of them believed there had been a sham transaction? No, I never heard them say there was a sham transaction, but that there was some transaction; that was the general opinion of those I had acquaintance with.
380. Were you in the district long before going into Miss Kelly's service? No, I went there on arriving in the Colony.
381. With regard to the number of sheep; do you know that of your own knowledge? Yes, I know that of my own knowledge.
382. And the number of lambs killed? Yes, the shepherd used to kill them on the run, and he generally told me how many he killed.
383. How many ewes were there in the flock? The greater portion were ewes.
384. *By Mr. Stewart:* The whole of the lambs but about thirty were killed? Between thirty and forty were allowed to live.
385. All the others were killed? Yes.
386. The cattle, you were informed, were only about 500? They told me they mustered scarcely 500, but of my own knowledge, from seeing mobs here and there, I could say there were about 400; and there were about fifty that were not mustered at all.
387. *By Mr. Flett:* Did Miss Kelly write you, requesting you to say that on the Manning Flats she told Richards she would charge him 5s. a head per week for the horses in the paddock at Mount George? I was listening when she said that. I was present when she said that. She desired me to write him, to notice him that she would let the run, and that she would charge him 5s. a week for his horses.†
388. Did she ever write you a letter to tell him that? Yes.
389. Did you give Richards a copy of that letter? No, I did not.
390. *By Mr. Garrett:* Did you give him the letter? I let him read the letter, but he had a copy of it himself; how he got it I do not know, but I believe he told Mr. Andrews he knew it was a transaction between them and the postmaster.
391. *By Mr. Flett:* Did you write to him afterwards, to say that there was no truth in that letter? I did not.

* ADDED (on revision):—But he said when he went up that he sold the cattle to Wooller.

† NOTE (on revision):—I never heard her say she would let the run, until she wrote to me stating she had let it to a Mr. Brady.

392. Was not that letter produced in Court? I wrote to Miss Kelly and told her that I had obeyed her order in telling him that he would be charged 5s. for the horses, and then I gave him a written acknowledgment that I did not notice him to that effect in pursuance of Miss Kelly's order—I omitted to notice him to keep them out of the paddock, and I wrote to Miss Kelly to say that I had obeyed her orders for fear I should get into a row; and then I noticed to Richards that I did not notice him formerly in writing. I shewed him the letter telling me to notice him, but it was afterwards. Mr. T. Leane.
21 July, 1863.
393. Did you give Richards a copy of the letter that Miss Kelly wrote to you? I did not, but I read it to him.
394. Did you write to Richards again, saying there was no truth in the statement? No, I never did.
395. Did you put a wrong date on the letter you sent to Richards, and for what purpose? I wrote it in Richards' own house, at Richards' own request.
396. Did you put a wrong date upon it? I know I dated it from Waterview, but what date I put upon it I could not exactly tell.
397. Why did you date it from Waterview if you were writing it at Mount George? It was at his request I dated it there, because he said serious injury would befall him from my not noticing him—that she would charge 5s. a week for the horses; and I was actuated by the motive that he should not sustain any injury through me, and I wrote it as he chose, and in his own house.
398. You have spoken of Francis Denny and Ladd collecting Begbie's cattle? Yes, with others—Skerrett and one Wooller from Sydney.
399. At the same time? Yes.
400. Did they get these cattle away? No.
401. Are you aware whether Skerrett ever got any cattle of Miss Kelly's away? He did take them off the run and to Maitland—some of the cattle in question.
402. How many? Thirty.
403. Were these all the cattle he ever got away? That is all I am aware of in my time there.
404. Did he ever get any horses away? No.
405. Did you ever hear it? No other than the horses I have spoken of.
406. Did you ever prosecute Miss Kelly for your wages? I did not.
407. Did you ever intend it? I did not, but I summoned her for rations. She was at Sydney, and left the store locked up, and I did not think I should be justified to break it open, so I applied to the Bench.
408. Did she ever do that more than once? Not to me. Mr. Andrews and Mr. Croaker gave me rations, or gave me an order for them.
409. You have spoken of the value of Miss Kelly's property—that brush was uncleared? Yes, excepting the paddock.
410. Miss Kelly had no cultivation excepting a small paddock? No, it was bush.
411. It was in a state of nature? It was.
412. What sort of house had she there? It was a slab house, a verandah front and both sides—a good house.
413. It was a slab cottage, was it not? Yes, I believe it was slab; the front was weather-board.
414. How long were you in Miss Kelly's employment? From the latter end of April, 1859, to the first week in May, 1860; it was close up to the first of June when I received my discharge in Sydney from her.
415. During the time you were upon the Manning River, I suppose you were frequently in conversation with people about Skerrett and Miss Kelly? Yes.
416. And heard a good many reports? I heard a good many from time to time.
417. Was it not the general opinion of people on the Manning, that Miss Kelly had sold her cattle to Skerrett, but that he had never paid the money? Some said that, and some said she had not sold them.
418. *By Mr. Harpur:* Was the front of Miss Kelly's cottage weather-boarded? I think it was weather-boarded, either the front or a part of the front.
419. There was a verandah? Yes.
420. Was the house shingled? Yes.
421. How many rooms do you think there were? I think there are two and two small ones, and there is a hall going through.
422. What kind of doors had it? Good doors.
423. Made of board, or panel doors? Made of boards.
424. Had they locks on them? I do not know.
425. Were there any out-houses connected with it? No.
426. *By Mr. Morris:* Why did you put a wrong date upon the letter which you wrote in Richards' house? I put it at his request, to match it with the time—about the time I would have given him the notice.
427. What had that to do with your giving the notice—you say you never did give him notice? I did not.
428. Why should you write him a letter? Because I wrote to Miss Kelly to say I had acted as she desired me.
429. Why did you write to Miss Kelly to say you had done so, when you had not? Because I omitted to give him the notice at the proper time.
430. Why did you write to Miss Kelly to say you had given notice, when you knew you had not given notice? I stated a falsehood for fear of getting into a row, because I omitted giving notice to Richards, and I knew I would have a scolding match with them.

- Mr. T. Leane. 431. *By Mr. Stewart*: It was for the purpose of relieving Richards that you wrote in his house? Yes, lest he should suffer by my falsehood. I told him I was going to my brother at Mudgee, and he said, "The least you can do is to extricate me from any proceedings." I wrote to Miss Kelly in the early part of August, stating that I did notice him, and it was in October I did notice him.
432. *By the Chairman*: What date did you write in Richards' letter? I put it as far back as August, so that he would be under no liability, from August to October, for the horses in the paddock. Miss Kelly wrote to me in July, desiring me to notice Richards that she would charge him 5s. per week for the horses, pursuant to the notice she gave him on the Manning Flat; in answer to that letter I wrote to Miss Kelly, stating that I had complied with her order, and it remained so till October—until Richards came to learn that the trustees would be coming on him for this money for these horses, he having five or six running in the paddock, and he said by my giving him this letter and dating it back as far as August, near the date that I wrote to Miss Kelly, it would relieve him from the liability of 5s. a head to October.
433. Was this a paddock Richards alleged he had a lease of? Yes.
434. Then how came it that when you really did tell Richards, by shewing the letter, that he would be charged 5s. a head for running his cattle in this paddock, that he did not say—"This paddock belongs to me; I have a lease of it"? He never did; and I was repairing the stockyard within this very paddock at the time.
435. For Miss Kelly? Yes.
436. *By Mr. Flett*: Did not Richards swear in Court that Miss Kelly never told him—did I not ask you the question—"Did Miss Kelly write to you to say that on the Manning Flat she had told Richards she would charge 5s. a week"? She said—"You recollect I told him."
437. *By Mr. Garrett*: Did she say in her letter—"You recollect I told him"? Yes, and I was present.
438. *By Mr. Flett*: Did you give Richards a copy of that letter, and write to him saying there was no truth in the statement that was in that letter? In what letter?
439. In the one Miss Kelly wrote to you? No, I never did; but I told him there was no truth in that letter he wrote to Miss Kelly in answer to hers.
440. *By Mr. Morris*: Have you got the letter Miss Kelly wrote to you? No; the Supreme Court has had it from the time of the trial of the case "*Richards versus Andrews*."
441. *By Mr. Flett*: When you were giving evidence at the Supreme Court, were you not asked the question whether you had not been promised an appointment in the Police? Yes.
442. And you said you had? I said I had not; I said I was a candidate for it; there was no one who recommended me excepting Mr. Gerrard—he was a Magistrate of the territory.
443. *By Mr. Morris*: Did you ever hear, while you were in Mrs. Kelly's service, from Richards, that he had leased that paddock from Miss Kelly at Mount George? Never; but, on the contrary, on the 10th October, when I had fenced the paddock and borrowed a horse from Richards to put Andrews' cattle out of it by Miss Kelly's orders, he never told me it was his—he was present when I put the cattle out.
444. *By Mr. Stewart*: You exercised full authority on behalf of Miss Kelly? Yes.
445. *By the Chairman*: That was on the 10th October, 1859? Yes; when Miss Kelly was on her trial he came over from Gloucester, and I asked, was there anything from Sydney? He said the Chief Justice had sworn perjury against her—"Is it not a pity the bloody old wretch would not give me the paddock before she went away?"
446. *By Mr. Garrett*: When was that? On the 10th or 11th of October, 1859.
447. *By Mr. Harpur*: I understood you to say that Miss Kelly wrote you to give notice to this man Richards that, after the time you received the letter, she would charge 5s. a week for his horses running in the paddock? She wrote this pursuant to the notice she had given him on the 9th of May previously.
448. How long after she gave you the verbal notice did she write to you? She gave Richards the verbal notice on the 9th May, 1859—her letter was dated the 22nd July following.
449. You shewed that letter to Richards? Not until October.
450. You did not shew the letter immediately after? No.
451. *By Mr. Flett*: Why did you write him afterwards that the whole of that letter was a falsehood? I never wrote him such a thing—I wrote him that the letter I wrote to Miss Kelly in answer to his was false.
452. *By Mr. Harpur*: In fact, by not shewing this letter of Miss Kelly, as you said you had done, you had committed a fault, and you did not wish the consequence of that fault to fall upon Richards, but rather upon yourself, and you then wrote this other letter? Yes, and I dated it as far back as August, and rumbled the paper in my hand, to make it look old.

FRIDAY, 24 JULY, 1863.

Present :—

MR. ARNOLD,	|	MR. GARRETT,
MR. CUNNEEN,	|	MR. HARPUR,
MR. FLETT,	|	MR. MORRICE,
MR. W. FORSTER,	|	MR. MORRIS,
MR. STEWART.		

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

John Williams, Esq., Crown Solicitor, called in and examined :—

453. *By the Chairman* : You have been summoned to produce certain papers connected with an inquiry into the case of Miss Kelly? Yes. I beg to produce the depositions in the case of Regina v. Andrews, for receiving property attached by the Insolvent Court. (*The witness produced the same.*) Here are a number of exhibits belonging to the depositions, which I may also leave with the Committee. (*The witness produced the same.*) I am also requested to produce the Judge's notes in the case of Regina v. Richards. Of course I cannot produce these, as I have no control over the Judge's notes, but I know where they are and I have no doubt I can get them, but I cannot obtain them as a matter of right. They are Judge Dickinson's notes, and have been left with the Chief Justice.
454. *By Mr. Flett* : Do they refer to the case of assault? I do not know. I have also been asked to produce all papers connected with the case of Regina v. Skerrett, for cattle-stealing. These are the depositions in that case. (*The witness produced the same.*)
455. *By the Chairman* : Are these all the papers? Yes, I believe they are all the papers. In these last papers four exhibits are referred to. Two are here (*in the papers last handed in*); the other two are annexed to the depositions in the case of the Queen against Skerrett, on a charge of forgery, November, 1860. Two of the exhibits referred to in the last lot of depositions were used to ground the charge of forgery upon against Skerrett, in 1860.
456. These are what are called the "missing documents"? Yes.
457. Are they here? Yes; these are all the papers I think I am subpoenaed to produce.

J. Williams,
Esq.
24 July, 1863.

Matthew Henry Stephen, Esq., called in and examined :—

458. *By the Chairman* : You are a solicitor? I am a barrister.
459. This is a Committee appointed to inquire into some circumstances connected with the petition of Miss Kelly, with respect to some transactions which occurred between her and a man named Skerrett, in 1854 and 5—Do you know anything of the circumstances? Nothing whatever, of my own knowledge.
460. *By Mr. Flett* : Were you counsel in the case of Richards v. Andrews? I was one of them.
461. What is your opinion with regard to that case? I must here observe that the Committee have already heard that I was counsel in the case, and of course it is very difficult to put one's self into the position of a judge under such circumstances. Some time has elapsed since the trial was had, and a day or two ago I took the opportunity of looking through my brief and papers, to refresh my memory as far as I could in the case. At the time the trial was had I never doubted at all, I think, what the verdict would be; and the jury concurred in my conclusion, and the verdict of the jury was in effect that the lease in question in that case had been executed by Miss Kelly. I hardly ever had the least doubt what the issue of the trial would be, and my consideration of the case since, as far as I have been able to form an unprejudiced opinion—having been an advocate in the case—has led to the decided opinion that the decision was a just one.
462. You believed that Miss Kelly wrote that document? Yes, I did.
463. Why did you think so? My answer to that question would be rather a long one, if I were to go into the various salient points of the case, and I do not know whether you wish me to do that; but the main point that leads me to the decision is, to my mind, the similarity between the letter which she wrote promising a lease of that description and the lease itself. That was one main point; there were various other matters connected with the whole case which no doubt contributed towards that conclusion.
464. Was she examined herself at length on that occasion? Yes, she was, and she was asked, I think at Sir William Manning's suggestion, to write certain words which were in the lease, and shewed a peculiarity in the spelling. She did so, and they were found to be spelt in the same way as the words in the lease. I do not however speak only of peculiarities in the spelling, but of other similarities. I wish to be understood, though that is the main point, that it was not the whole point, but that taking the case from first to last, various points concurred with that in bringing my mind to that conclusion. Miss Kelly's evidence also I may mention was not satisfactory to my mind. Some of her statements seemed to me to be very inconsistent with truth. Then again, there was her principal witness Andrews, who had on a previous occasion himself stated that he would not believe her unsupported testimony. There was another very respectable person—a gentleman whom I know—Mr. Rowley, who gave evidence to the same effect, that he would not believe her on her oath. I am not quite sure whether Mr. Flett gave the same evidence, but these two I am almost certain did.
465. Do you recollect that she said herself, in answer to a question put at that time by you or by Sir William Manning, that juries would never believe her? I think she must have said something of the kind. That question has never been put to me before, but I have

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been turning over in my mind whether she had not said something of that kind, and my impression is therefore to a certain extent confirmed by your asking me that question—whether she did not say something in an imploring way, to the effect that she could never get gentlemen or juries to believe her.

466. Do you recollect any peculiarities in the letter being observed by Sir William Manning, when the case had been gone through? A lease was produced at a very early stage of the case, and there were other documents produced in the Court at the trial. This letter was produced, together with other matters in Miss Kelly's handwriting, but none of us observed, till the trial of the case had been three-parts over, that there was a peculiarity in the spelling of the word Reuben; it was spelt "Ru" instead of "Reu," and "ban" instead of "ben." That is a peculiarity. Of course it is open to argument that Richards might have noticed this peculiarity, and in forging the document had copied it, which no doubt he would have done if he had noticed it, but my very strong impression is that he must have been a very acute and observant forger if he had noticed that which escaped the whole of us; and I believe a hundred people would have read over that document to see the contents of it, and never have noticed that the spelling was peculiar. I also observed what I think a peculiarity in the character of the writing, namely, a very curious use of capitals. I have seen both the lease and the letter, and I have copied a few of these peculiarities. I would particularly refer to the letter c. If you notice the lease and the letter, you will observe that Miss Kelly's c's are of a peculiar character—not a peculiarity that would be likely to strike such a person as Richards, or lead him to copy. All of these c's are more of capital than small letters. Then in the lease the c's are not always of the same kind, but the majority in both are large c's. In the lease the word "Land" is written with a capital letter, also the words "Let," "Situation," "Containing." In the word "like," in "workmanlike," there is a capital L. "But," "Timber," "Require," are also written with capitals, and there are two other words which I will not mention, because I am not certain about them; if I had the documents here, I would point them out. The words "servant," "shew," "shall," are written with a very large kind of s—I may call it a large small one, or a capital. "Slip-rail," "Justice," "Crossed," are also written with capitals, and then there are two words beginning with a capital "B," exactly like the B in "But," "Back," and "Bad." The word "Bad" occurs in the latter part of the note; it refers to Mrs. Richards being bad. The word River has also a capital, and the word "Return," which is used in this way—"I hope you will do this in Return." Then there is an R very much like that in the word "Received" in the receipt, but I believe Miss Kelly denies that to be in her handwriting. These are peculiarities in the writing which I do not think any but a very sensible and acute forger would be likely to introduce into a document in this miscellaneous way. Then there is a similarity in the writing of "Mount George paddock," both in the lease and in the letter. There is also this circumstance, which I think worthy of notice, that the lease is not an exact copy of the draft that Richards states he took to her, and the difference would lead to the inference that one was written by a person while some other person read the draft. I do not know that that is an argument of much weight. I have spoken of Miss Kelly having made some inconsistent statements in her evidence, and I would now refer more particularly to some of these. She said that when Richards came to her on the 19th, she had been for several days so ill that she was "not able to write a scrawl." I think that was the expression she made use of, if I remember the evidence correctly. She was, however, well enough to rate Richards very soundly upon Monday, on the following day she wrote a letter to Andrews, and on Wednesday rode a very long distance. That I thought an inconsistent matter. These matters are no doubt small in themselves, but I am only justifying my opinion, and though small, taken together with the demeanour of the witnesses, they produced a strong impression on my mind that Richards did not forge that lease.

467. And that that lease was a genuine document? Yes, that it was signed by Miss Kelly.

468. *By Mr. Garrett:* The letter alluded to was admitted to be genuine? Yes.

469. *By Mr. Flett:* Comparing Richards' draft lease with that Miss Kelly is supposed to have drawn, do you see the difference between the capital letters you now mention? Yes, I think so. There are some very large e's in the draft, more like a capital E than a small e; in that respect there is some similarity to the other writing, but the similarity I think is only found with respect to the e's and at the commencement of the words. They are not so much like capitals as large e's in this shape. (*The witness described the same.*) I may mention that the word "Land" is spelt in the draft with a capital L; but these are the only capitals I observed in that draft.

470. What I wish to get at more particularly is, whether Miss Kelly deals largely in capitals, and the man Richards does not? She does make more use of capitals than Richards, supposing that to be her handwriting, and in words where we never expect to find capitals, as, "Mrs. Richards is Bad"—"do something in Return." I do not think there are capitals in words of a similar kind in the draft.

471. *By Mr. Arnold:* What opportunity have you had of knowing that the use of these capitals in improper places is peculiar to Miss Kelly's writing? Not the slightest; I never said so. I simply say, here is a note, which is admitted to be her handwriting, and I observe in that note what are the characteristics of her writing.

472. You have not reason to suppose that the peculiarity is equally in Richards' handwriting? I can only speak from the documents which were before me.

473. Look at this (*handing witness a letter signed Reuben Richards, and dated September 5th, 1857*)? If there are other documents of Richards which shew that peculiarity, the argument is very much weakened. I observe capitals in the words "Bullocks," "Drays." Of course I am not saying that this is Richards' handwriting.

474. *By Mr. Morris:* He admits that? There is a very curious capital "B" in the word "Brought."

475.

475. *By Mr. Arnold:* Look at that (*handing witness a letter, dated September 16, 1857.*) Having looked at those two notes signed by Richards, do you observe the same peculiarity you describe in the letters of Miss Kelly, which peculiarity you think evidence to identify them as her handwriting? I see some instances of it, certainly; but with the exception of the word "Brought," I do not see capitals in the same kind of words. The Committee will understand me, that each of these circumstances standing alone is not much, but that taking them together they become of considerable weight. Of course they are both uneducated people, and they may both be fond of using capitals. Alone it is a thing that ought not to have any great weight attached to it, but having observed the peculiarity, I thought it my duty to mention it.

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476. There is a capital to "Will" (*referring to letter dated September 5, 1857*)? Yes, and that is a word where we would not expect to find a capital. It is either a capital or a very large small w.

477. You will find a capital to "Made"? I do not know whether to call that a large small m or a capital; still it is larger than is usual. It is strange that there should be such similarities in the two cases. I admit that it would tend very much to destroy any weight I should attach to that part of the similarity.

478. Was that the only case in which you were employed for or against Miss Kelly? The only case in which I had the slightest means in the world of forming any opinion of what she is likely to say in truth or untruth, and, as I said before, it is hard for a counsel to put himself in the place of a judge. We do take up almost necessarily from the beginning of a case views in favour of our clients, and we have, therefore, to go through a process to satisfy our own consciences in forming a judgment.

479. *By the Chairman:* You stated that there was a letter produced from Miss Kelly, referring to that lease? No, promising a lease in much the same terms.

480. Do you remember the date of that lease? I think it was the 24th August.

481. Did you observe whether there was an alteration of the date at the top of that letter? No, I cannot say; I do not remember.

482. If the date of that letter was altered, would it not strike you that it might have referred to another and previous lease that might have been granted? Of course, if the date was altered. It would depend upon by whom it was altered, and to what date.

483. This is a lease that has been forwarded to this Committee (*handing the same to witness*), by Miss Kelly, and it is signed by Miss Kelly and Reuben Richards, and dated 6th May, 1857. It is also a purchase of some land by Reuben Richards, which was never completed, and the lease of the same paddock, I think, as that to which you refer—if you had the letter in your hand you would be able to state probably whether that letter did not refer to that lease? Yes, if the 1859 had been altered to some period antecedent to this; but I do not know whether there is any alteration in that part of the date or not.

484. These documents have been before us, and have been taken away before we had an opportunity of coming to a decision—would it be too much to ask you to call and see that letter and to write a note to the Committee, stating whether there has been any alteration in the date of the letter? I will do so with pleasure. If the letter had originally been dated 1857 or 1856, or any time antecedently to this, that would have altered the circumstances greatly.

485. It would shake your opinion very materially? I should like to consider the effect of it. If I remember aright, one matter that struck me during the trial—I should not like to speak with any great degree of positiveness, but I do not think I am mistaken—she was asked several times, by Sir William Manning, if ever she made any promise, verbal or in writing, as to a lease, and she denied it stoutly; and I think she made use of some expression of this kind—"If there is any such a thing, it is a forgery." The letter was then produced, and that is the letter which we have been referring to, and which she admitted to be her handwriting; I am almost certain that took place. I should very much like upon that point to know whether Sir William Manning recollects anything of the kind occurring, but I do not think I can be mistaken about it; I know something of the kind occurred. Of course we knew of this letter, or had seen this letter, and it was our object to put it in this way—"Did you never promise such a lease as you have given?" She denied it, and then this letter was produced.

486. Would not that point be explained in her favour, if she thought the question referred to a lease four or five years previously? Of course if the date of the letter had been tampered with, it would throw great doubt upon any one's mind. I will see the letter, and send up word if any kind of alteration has been made, and what it is.

487. *By Mr. Flett:* When you examine that letter, will you pay particular attention to where that letter is dated from? I will.

488. *By the Chairman:* Do you remember Mr. Justice Dickinson putting the letter in her hand, to ask the date of the letter, to draw her attention to it? No, I do not.

489. *By Mr. Flett:* Did you know, during the time of the action, whether Richards had means to pay Mr. Abbott for carrying it on, or whether Mr. Abbott carried it on at his own expense—it has been intimated that Richards got the means from certain parties? To the best of my belief something of this kind took place. While the trial was going on, or just before, Mr. Abbott came to me and said he had a very small amount from Richards, but that, as the case had gone so far, he did not like that what money had been spent should be thrown away, or to desert his client in the case, as he had been to considerable expense in coming from the country; something of that kind was said by Mr. Abbott, and I know I did not get my fees until after the money was obtained from Andrews' estate. Mr. Abbott had, up to that time, been always punctual in the payment of fees, so that I think if he had had funds in his hands we should have got them. But it is a long time back, and I wish

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wish to speak with caution, still I think he mentioned this as a sort of apology for not giving any fees at the time, as is usual, with this brief.

490. *By Mr. Harpur*: Miss Kelly said she could never get juries to believe her—you remember that? I have already stated that my memory is not very clear about that, but I think she must have done so, for while thinking about this case, before the question was put to me, it had been running in my head.

491. Did this exclamation appear to you to be suitable to the character and feelings of a perjured witness? It is very hard to say; one man may draw one inference, and another may draw exactly the opposite.

492. Would it not be, so far as you can conceive what a perjured witness would do, almost the last thing a person labouring under the secret consciousness of guilt would say? If she were acting deliberately.

493. Would it not draw attention to a circumstance which a guilty person would like to keep out of sight? Yes, I think so. The fact was, that at the time we knew there were witnesses coming to prove that she was not to be believed, or at all events, that they would not believe her, and we regarded it as a hasty expression made without deliberation. Of course it was a foolish thing for her to say, but she would not have said it unless it had been the fact.

494. Is it not like drawing attention to a circumstance which a guilty person would like to keep out of sight, and yet suitable to the agony of her situation, supposing her to be telling the truth to a jury, which she could not get them to believe? The way in which it comes home to me is this: You have said a foolish thing, but you must be an extraordinary woman if you have given evidence a number of times before different juries, and have never been able to induce them to believe you. I should put it down to something wrong in her. People sometimes do say foolish things, for want of deliberation, but I think we may fairly regard it that she felt vexed that she could not be believed.

495. A person who had told a false story would not be likely, in repeating it to a strange Court, to call attention to the circumstance that she had not been believed on previous occasions? I say if she had time to deliberate upon the effect she would not say so.

496. *By Mr. Stewart*: Do you know Mr. Mullens, the solicitor, of Maitland? Yes.

497. If he had given evidence of this character on the trial, do you think that would have had much weight with the jury—(*The Honorable Member read from the evidence of Mr. Mullens, questions 1559 to 1561*)? If Mr. Mullens had been shewn the particular signature and question, and had said he did not believe it to be hers, and had also stated that he was very well acquainted with her writing, it would have been a material matter to go to the jury, and would have made the case more difficult. Cases of this kind are cases where the truth will never be known till the Day of Judgment.

498. More weight would be likely to be given to the evidence of a person who had known her signature for seven years than to any of the others? A witness was examined, Mr. Rowley, who said he was very well acquainted with her handwriting, and he swore positively that the writing of the whole lease was hers.

499. *By Mr. Garrett*: With regard to these three leases—were they not produced as the draft lease, the copy of the lease, and a second copy for the other party to retain? Yes.

500. *By Mr. Flett*: Might it not be possible that these three documents were the very documents shewn to Mr. Mullens? Yes, very likely.

501. From your knowledge of the man Richards, would you believe for one moment that if he had three forged leases in his house, that he would have been likely to shew them to Mr. Mullens, and ask him which he thought most likely to be Miss Kelly's? I could not answer that question. I know nothing of him except from what I saw of him in the witness-box. Certainly, if one of the witnesses spoke truth, I think Richards must have been one of the most foolish men; for it was sworn in the case—which I did not believe and never will believe—that he was in the company of a man whom he had not seen above half-a-dozen times before, and was exhibiting his powers of forgery; and that his wife came into the room while he was so employed, and said, "You will be getting into a mess like Skerrett." Of course, if that evidence is true, Richards would do any foolish thing, and might have said anything to Miss Kelly or to her attorney; but I do not believe that man's story, one word of it.

502. *By Mr. Garrett*: Does Richards seem a very cunning, contriving sort of man? That is a matter again in which it is difficult for counsel to give an opinion. You always look upon your client with a more kindly eye than upon your opponent. If I can judge correctly, he seemed a simple-minded man. He did not seem to be a man of such bold, rash character as to assert that he had a lease when he had not, then to bring the matter before a Police Court to invite his own conviction for a forgery, and to leave the lease with the Court. There is also this to be observed,—that when Andrews was at the Police Court he swore, upon Miss Kelly's information, that he was certain this lease was a forgery, although this is a woman whom years before he had sworn he would not believe on her oath. Richards then drags Andrews into Court, knowing that this point must be decided. This is, I think, a strong argument in his favour.

503. *By the Chairman*: Mr. Flett gave evidence in this case? Yes.

504. He and Richards seemed to corroborate each other? I have not the smallest recollection; I forget what Mr. Flett was called for, unless it was to say what took place in the Police Court, and that had very little to do with the merits of the case you are now discussing.

505. *By Mr. Morris*: Was there any contradiction, at the trial, to Miss Kelly's statement that she had never verbally promised a lease to Richards? She may have said so—very likely she did.

506. Was there any contradiction? I do not see how there could be to a negative of that kind.

507. Was there any trouble taken at the trial to shew, from Miss Kelly's statement, that she was so ill at the time that she could not write all her own cheques, but that she merely signed them? If she could have established that, it would have been clearly her case to have done so.

508. She was only a witness? She was only a witness, but it was evidently a matter in which she was deeply interested. She was brought by Andrews as a witness. We could not have known, until the time of her examination, that she was too ill to write, and there was nothing of greater importance to their case than that they should prove that.

509. Surely a charge of perjury could have been easily proved if these cheques had been written by her? I forget what cheques you are alluding to.

510. Miss Kelly stated, as the reason that she could not have written that lease, that at that time she could not write her cheques—that she only signed them? She could have produced these cheques, and they were not there.

511. Supposing it to be the case that the bodies of her cheques were at that time written by another hand, and that she only signed them, would not that go to corroborate her statement that she was not likely to write that lease? If you ask me my opinion about that, I must say it would not have the slightest effect upon my mind. If she had at that time brought any one person, whose evidence could not be shaken on cross-examination, to prove that on the 19th she was too ill to sign the lease, the whole case would probably have been decided in her favour, for if she were too ill to write that, there would be an end of the matter; but she had only her own statement for it, and we believed her evidence was not satisfactory. She said she had been "unable for days before to write a scrawl"; that was on Monday. On Tuesday she was well enough to write to Andrews, and on Wednesday she took a long journey. We thought that a very inconsistent statement, and there was no one to corroborate it. A person must be very ill indeed who requires another to fill up the bodies of her cheques.

512. *By Mr. Stewart*: Will you look at Mr. Mullens' evidence, and read question 1576 and the following questions and answers. (*The witness read the same.*) If that evidence had been given on the trial, do you think that would have had effect upon the jury? Yes, if that referred to this paper. If I heard Mr. Mullens say, with reference to the lease in question, "I am well acquainted with Miss Kelly's handwriting, and with the handwriting of Richards, and I believe that to be in Richards' handwriting," I think that ought to have considerable weight; but it is very hard to say what weight I should attach to the evidence of any witness whose examination and cross-examination I did not hear myself. The longer I practise, the more am I impressed with the difficulty of getting at the truth in cases of this kind.

513. *By Mr. Flett*: There is a very great difference between the forging of a signature and the forging of a whole document? Of course.

514. Did you ever know of an instance in your life where a whole document was forged? No. I think, unless you can detect forgery in a document of such length, it must carry the conviction of its genuineness. The jury were a long time absent, and I began to wonder whether there was a difference of opinion as to the verdict they should return; but I asked one of them afterwards why they were so long, and he said they went through every document in the case, and they were unanimous in their opinion as to the genuineness of the lease.

THURSDAY, 6 AUGUST, 1863.

Present:—

MR. ARNOLD,	|	MR. GARRETT,
MR. CUNNEEN,	|	MR. HARPUR,
MR. FLETT,	|	MR. MORRICE,
MR. W. FORSTER,	|	MR. MORRIS,

MR. STEWART.

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

Charles Croaker, Esq., J.P., called in and examined:—

515. *By the Chairman*: You are a Magistrate, residing at the Manning River? I am.

516. This is a Committee appointed by the Assembly, to inquire into the allegations of a certain petition of Miss Kelly—Have you seen that petition? Yes.

517. Do you know anything of the circumstances alluded to in that petition? Yes, I know there was some transaction between Miss Kelly and Skerrett, with respect to the purchase of cattle and horses.

518. How do you know that he made such a purchase? I know from Miss Kelly herself telling me. One day I overtook her on the road, and she told me she had sold a certain number of cattle and horses to this man Skerrett.

519. Did Miss Kelly tell you that? Miss Kelly told me that.

520. Where was this? I think it was as I was going from where I was formerly living, Cundletown, to where I was forming a place called Balbourni.

521. Were you on horseback at the time? I was.

522. Was she? Yes.

523. Did she ride up to you? No, I saw her some little distance ahead of me.

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C. Croaker,
Esq., J.P.

6 Aug. 1863.

- C. Croaker, Esq., J.P.
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524. Did you ride up to her? She had a boy with her, and the boy seemed to communicate to her that I was behind her; she slackened her pace, and I rode steadily on.
525. Did she overtake you? No, I overtook her. We were going the same road, and as I came to the top of one of the ridges I observed her ahead at some little distance. I did not wish to push on, but she seemed to slacken her pace, and I rode on and overtook her, and we rode on together some two or three miles.
526. Will you repeat to the Committee, as nearly as you can, the conversation that occurred between you and Miss Kelly? When I came up she merely said, "Good morning, Mr. Croaker." I returned the salutation. She then referred to the circumstance that she was under committal for cattle-stealing; she said she was not guilty, this, that, and the other, and added, "At any rate I shall not speak any more, for I have sold my cattle and so many horses to a gentleman." I did not want to know anything about it, and never made her any answer. She went on for some little time, and then at last she asked me if I knew anything about it. I said I did not, and I did not wish to know. She said it was a gentleman his equal was not on the Manning River, and that she would get this man made a Justice of the Peace; that his position was very different from that of any of the rest on the river, and that he would be an acquisition; even then she did not mention his name, but said, "Do you know who he is?" I said I did not; she said, "I will tell you—it is Mr. Skerrett."
527. At what time was this—in what month? I could not say; I think it was the day after that the sale took place, for this man was then at Brinbin; he was there when I passed. I had heard of Skerrett before living at Port Macquarie, and of his not being in very good circumstances.
528. Did she tell you in what way she had sold these cattle to Skerrett? She said she had sold her cattle and so many horses for a certain sum, but whether it was £600 or £800 I could not say. I paid so little attention to what was going on that I would not repeat the sum.
529. Do you remember the year? No, that I do not.
530. Do you remember whether it was in summer or winter? I think it was in summer, but really I cannot say positively.
531. But remember that you are giving evidence in a very important matter, and that you must endeavour to lead the Committee to a true decision? I have no other motive in view.
532. You think it was in the summer—have you any reason for that? Yes, because I had some men at work at the time. I believe it was in the summer months.
533. But you can neither remember the year, the month, or the day of the month? It must be some six or seven years ago, for I was building this place at Balbowri at the time. I had no motive for paying particular attention to it.
534. You think it was in the summer? I do, for I had some men at work at the time at this place—some fencers.
535. Where was Miss Kelly going at the time? That I could not say. She went as far as Wingham the same road. I think she was going to Mount George. I left her at Wingham.
536. How long have you been a Magistrate? Five or six years, I think, but I cannot say positively.
537. Did you ever buy any cattle from Skerrett with Miss Kelly's brand on them? Not to my knowledge.
538. Not to your knowledge? No, I never bought any.
539. You are quite satisfied you never bought, or any person for you, any cattle with Miss Kelly's brand upon them? No.
540. Do you know any person who did buy cattle from Skerrett, or from any person that he sold them to? Yes. I could not tax my memory, but I think there was some person who lived at Woolloowoolo, on the Manning—Mr. Findlay, I think—who bought some. I am not even sure of that.
541. You do not know whether he bought them? I think he did, from what I heard. I did hear that Dew bought some, and a person of the name of Murray; but I speak merely from hearsay.
542. You do not seem to know much of this affair, except this conversation between you and Miss Kelly, and that you say took place in the summer? I do not know anything personally; I speak merely from report.
543. *By Mr. Flett*: You say you have no recollection of the time when you overtook Miss Kelly on horseback, and had this conversation about the transaction between herself and Skerrett—was it on or before her trial for stealing calves from Macpherson? I think at that very time she was on her way to Sydney when she was under committal for cattle-stealing.
544. How long have you been on the Manning River? Somewhere about twenty years.
545. I suppose you have had some knowledge of Miss Kelly from that time till now? Yes, Miss Kelly was on the Manning some short time before I went there.
546. In what state was she when you went there, with regard to her landed property—what state was that in? In a very rough state. If I remember rightly, Miss Kelly was living in a bark hut at Mount George. Very little was done to the place at that time.
547. Had she much stock at that time? I think not; I do not think any one on the Manning had at that time; there was very little stock on the Manning when I went there at first.
548. Have you had a knowledge of her stock ever since? Yes, I have been living there, and her run was adjoining mine.
549. I will go back with you some years to about the time she was committed for perjury—had you a knowledge of her stock at that time? Yes; most of the stock was brought from near where I was residing to a place called Brinbin.
- 550.

550. She had no fat cattle at that time—they were in the hands of Begbie and Cooper? Yes. Mr. Begbie came to me when she was negotiating the sale, and asked my advice upon it. I advised him to have nothing to do with them; I considered it a very enormous sum that she required; I would not have given anything like it.
551. What was the sum? I think over £1,000; I will not speak positively.
552. Did you ever say to Mr. Begbie what you considered to be their true value—what you would have been willing to give? I think £500 or £600, but even then I would not have been disposed to have had anything to do with them; they were scattered about a good deal; and I advised him not to have them. That was in my own house.
553. Did you ever hear how many of these cattle were mustered? No.
554. With reference to her horses, have you a general knowledge of what horses she has had? Yes, more particularly since Miss Kelly moved her stock down to Brinbin, for they were often on the same run as I had.
555. What would you have given for her horses yourself about five years ago? I think at this time I had sold my horses to Mr. Atkinson, and I considered that my horses were superior to Miss Kelly's, and that £500 or £600 was the value; in fact, I did not consider any one on the Manning had a sufficient quantity of horses to realize more than that.
556. With reference to the land at Mount George which she values at some £4,000—what do you think was its value some five years ago, or even now—the whole of Mount George, with the improvements? There is very little done at the place, and is at the upper end of the Manning. It was offered to me, some time ago, for £500.
557. Who offered it to you? Mr. Roxburgh. I said I did not consider it was worth that. I would not give £500 for it, even if I wished to speculate. This was twelve months ago.
558. That is conscientiously what you would consider the value of Miss Kelly's property? Yes.
559. What has been Miss Kelly's general character during the time you have been on the Manning;—I will not ask you whether you would believe her on her oath, but would you believe her if she were to come to you with a statement? From the knowledge I have had of various transactions, I really would not be disposed to place any credit upon anything she stated. She has been at the police office so many times, and has been mixed up in so many different things, that I have good reason very much to doubt her.
560. You form that opinion from her general character? From her general character, and the repeated disclosures that have taken place with regard to servants who have left her, I should not be disposed to give much credence to what she said.
561. How does she generally manage with her servants—have you ever known them to take her before the Court? Yes, I think conscientiously I have never known any of her servants to leave without some complaint at the police office.
562. What is the general opinion of people on the Manning, with reference to this transaction between her and Skerrett? Miss Kelly was at this time under committal, and the general belief is that she made a sale to this man, Skerrett, with a view of protecting her property; that is the general opinion, and that is my opinion.
563. You believe that the signature to these documents is Miss Kelly's? Yes, I believe she made her property over to Skerrett, thinking she might get into some difficulty, but I do not think the man ever paid her a single shilling for the stock.
564. Miss Kelly has stated, and the Chairman has stated, before this Committee, that I have a bad feeling towards Miss Kelly—Have you ever known, or have you ever heard on the river, that such was the case? I have thought myself once or twice that you have taken Miss Kelly's part rather more than the opposite, and I have felt annoyed myself.
565. There was a singular thing occurred once with regard to the murder of a woman, and you must remember that I stuck up on the part of Miss Kelly, and even asked the Magistrate not to put her in the lock-up at the time she was committed? I am quite aware that you took Miss Kelly's part, and were favourable to her with respect to this missing servant girl.
566. *By Mr. Cunneen*: Is it your opinion that there was actually a sale, between Miss Kelly and Skerrett, of her property and stock? It is.
567. Do you think it was a collusive one, merely to protect her property in the event of her being convicted? Yes.
568. Do you think Skerrett ever gave her any value for her property or stock? I do not.
569. You think he never gave her anything for it? I think not.
570. *By the Chairman*: How many horses do you reckon Miss Kelly had, when you say her horses might have been worth £500 or £600? She might have had about 200 head.
571. How many had she really—you have put down a figure as the value of her property, probably you know how many horses she had? I believe when she came down there I did know, for it is within six miles of where I lived; but I really could not swear.
572. I am not asking you to swear? I could not state within fifty how many she had.
573. Would you be surprised if you knew that one of her horses was sold by Skerrett for £30? No.
574. You say you could not state within fifty how many horses she had—now fifty horses at £30 each, would amount to a great deal more than £500 or £600? You might sell one horse that would be worth more than fifty. I am sure there is not a man on the Manning who has horses of that value.
575. You have said that you could not say within fifty how many horses she had? No, I could not, because I believe some were left behind when she came down to Brinbin; but the horses that were running about were in a wild state.
576. You did not know them all? I certainly did not make a point of riding over to count Miss Kelly's horses.

- C. Croaker, Esq., J.P.
6 Aug., 1863.
577. Did you ever hear how many she had, from the person who mustered them? Yes.
578. You merely state from a rough impression upon your mind? Yes, for the horses were brought down within six miles of my place.
579. How many came down? I think 120 little and big came down.
580. Not 200 or 300? No.
581. However, you do not seem to be able to come to any clear or definite conclusion as to their value, but merely give a rough guess? From knowing the horses that were on the place, nearly adjoining mine.
582. Are you aware of the number of cattle that Begbie and Cooper bought? The cattle were scattered a good deal. I know no more than that Mr. Begbie came to me and asked my advice.
583. And you advised him to have nothing to do with them? Yes.
584. Had he an opportunity of knowing what they were? I rather think not; Mr. Cooper was mustering the horses.
585. Would that bring him to a pretty intimate knowledge of the cattle? Yes.
586. He would be through the cattle in mustering the horses? Yes, about Brinbin.
587. About the servant girl that Mr. Flett was so kind as not to have Miss Kelly hanged? I am not aware of that at all.
588. Was there any servant girl murdered? I am not aware of any; there was one missing.
589. Did you ever hear that she had run away with a stockman who was going to New Zealand? No.
590. Did the stockman remain after she was missed? No.
591. Did you know that he was an overseer there at all? Yes.
592. What became of him after the girl was missed? I heard that he went down to New Zealand. This very man applied to me up at Wingham, and told me about this missing girl. The district went out to look for her.
593. About the killing of Miss Kelly's cattle—did you ever know any one besides Findlay who bought cattle from Skerrett, for slaughter—did you know a man of the name of Avery? Yes.
594. Do you know whether he bought any from Skerrett? Not of my own knowledge.
595. Do you know whether he bought any after Skerrett was committed from Bungay Bungay—did you hear that from common repute? Really there have been so many circumstances connected with this case that I cannot recollect what time he bought them, but I heard he bought cattle, whether it was after Skerrett got into trouble or before I do not know. I believe a person of the name of Murray, and a person of the name of Dew, also bought some.
596. Did you hear where these cattle were killed? No, I know Avery killed his at a place called Tinoona.
597. Where Mr. Flett lived? No, at his own place.
598. If Mr. Flett were to stand up and say that Avery killed these cattle in his own stockyard, would you believe him? I have no ground to disbelieve Mr. Flett in any way.
599. Have you heard that Miss Kelly, in her evidence, has stated that Avery killed some of these cattle on Mr. Flett's property? At this time Avery was carrying on business at Tinoona, and I believe, if he did kill them, he killed them there. I speak merely from report; I saw no cattle killed.
600. *By Mr. Harpur*: Was it the general opinion on the Manning that this missing girl had been murdered? Yes.
601. The general opinion was that there had been some foul play? Yes, and we have never been able to find out where the girl went to.
602. It has never been set to rest? No.
603. *By Mr. Garrett*: Did the police have the matter in hand? Yes, there was an investigation.
604. Did you ever hear of a horse of Miss Kelly's having been sold for £30? No, I heard that Mr. Skerrett sold a horse of Miss Kelly's; I believe it was at the very time that Miss Kelly came to Sydney he followed her down.
605. Was it the horse he rode? Yes; to pay his expenses I was led to believe it was sold.
606. *By Mr. Arnold*: Do you know to whom he sold the horse? No.
607. Nor what was reported to be the price? No.
608. Did you know the horse? No.
609. If there were fifty horses, worth £30 each, running in your neighbourhood, would you not have been likely to have observed them? Yes, it is possible.
610. Could you say positively whether there were fifty horses of Miss Kelly's, worth £30 each, running upon the Manning? I should say decidedly not. Horses on the Manning are not of a class to be worth that price. You might find one horse, or a few, but not many.
611. *By Mr. Flett*: Did you ever hear that Skerrett sold this horse for £8 at Raymond Terrace? I heard he sold the horse at Raymond Terrace.
612. The question was asked you whether you knew the number of Miss Kelly's horses—Do you think Miss Kelly knows the number herself? No.
613. She knows very little about them? I should say not.
614. What do you think Miss Kelly's horses, on the Manning, are worth at the present moment—would you give £100 for them? The fact is that the horses have been taken away, and the breed of horses there is very different from what they were a few years ago.
615. If all the horses on the Manning were collected in one spot, would you give £2,000 for them? Decidedly not.
616. *By Mr. Harpur*: Have horses deteriorated in quality in that district? Very little attention is paid to breeding now. Many people have horses that I would not accept if they would give them to me for getting them in.
- 617.

617. *By Mr. Morris* : What is the character of the land at Mount George? The bush land is very good on the river bank ; but a great portion is very inferior mountain land. C. Croaker, Esq., J.P.
618. What is the proportion of good bush land to the mountain? Perhaps there are 200 acres of bush ground. 6 Aug., 1863.
619. Is the bush ground cleared? Very little of it.
620. Is it worth £1 an acre uncleared? The bush ground would be worth £1 an acre.

TUESDAY, 11 AUGUST, 1863.

Present :—

MR. GARRETT, | MR. STEWART.

JOSEPH J. HARPUR, ESQ., IN THE CHAIR.

John Williams, Esq., Crown Solicitor, again called in and farther examined :—

621. *By the Chairman* : Do you produce a copy of the Judge's report to the Executive Council, dated 26th November, 1857? I do. (*The witness produced the same.*) J. Williams, Esq.
622. Do you also produce the Judge's report to the Executive Council, dated 5th August, 1858? I do. (*The witness produced the same.*) 11 Aug., 1863.
623. And also a report, dated 6th August, 1858? I do. (*The witness produced the same.*)

Stephen Campbell Brown, Esq., called in and examined :—

624. *By the Chairman* : Do you produce the Judge's notes in the case of Kelly v. Burt? I do. (*The witness produced the same.*) This is the copy of the notes I received from the Judge's clerk, for the purposes of the action. S. C. Brown, Esq.
625. *By Mr. Stewart* : You were solicitor in the case? I was solicitor for the defendant, 11 Aug., 1863.
Mr. Burt.

FRIDAY, 14 AUGUST, 1863.

Present :—

MR. CUNNEEN, | MR. W. FORSTER,
MR. FLETT, | MR. GARRETT.

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

Miss Isabella Mary Kelly called in and examined :—

626. *By Mr. Flett* : I recollect that when you gave your evidence before the Committee of last year, you stated, in answer to some particular questions that were put to you, that if you had your journal you would be able to answer them more directly? Yes, I did. Miss Isabella Mary Kelly.
627. Have you that journal now? No; it was taken away from my house at the time I was incarcerated. It was left in my box, and was stolen from my house, with some other papers that I saw afterwards in the possession of Reuben Richards. 14 Aug., 1863.
628. In what year did you purchase your property on the Manning River? In 1837.
629. What did you pay for it? I paid only 5s. an acre.
630. In what year did you first mortgage it? That I cannot say.
631. To whom did you first mortgage it? To a man named M'Guigan.
632. For how much—for £500? Yes, I think so.
633. You do not recollect the year you mortgaged it? No; I know that it was a long time ago, but I cannot say in what year.
634. When did you first come to live on the Manning yourself? I came to live there in 1839.
635. When did you bring the first cattle to it? In the same year that I went to live there.
636. How many did you bring? 200 head—100 cows and 100 calves.
637. Who brought them? My stockman did.
638. What was his name? I do not remember his name; he was a man I hired in Maitland.*
639. Can you not recollect his name? There were three or four of them driving the cattle.
640. Was he a Government man? No, he was a man I hired in Maitland to take them up.
641. From whom did you buy them? They were bought at auction—100 cows and 100 calves.
642. What year was that in? In 1839.
643. Did you buy any other cattle than these? Yes, several times.
644. When? Several different times.

645.

* NOTE (on revision) :—The man's name was William Leffage, and a man named Brown.

- Miss Isabella Mary Kelly. 645. Did you ever buy any other than the first 100 cows and 100 calves? Yes, I did; I bought some off a man—I forget his name—at the Hunter. He was afterwards overseer to Mr. Smith, of Coolie Camp; William Shaw—that was his name.
- 14 Aug., 1863. 646. What were they? Chiefly cows.
647. How many? Sixteen head. I bought sixteen head off Mr. Smith also. I bought either fifteen or sixteen head from Mr. Smith, and fifteen or sixteen head from his overseer, William Shaw. I know that there were thirty-two head altogether, that were taken from Coolie Camp, and the greater part of them were cows.
648. Did you buy them at auction? No; privately. The 200 head were bought at auction—the 100 cows and 100 calves.
649. Was that all the cattle you bought to take to the Manning? No, there was other cattle that I bought from the Australian Company. I bought cattle off Mr. John Hector.
650. In what year was that? I cannot say the year.
651. It was not in 1839? No, and it was not in 1840. It may have been about 1843 or '44. I do not know the time exactly.
652. Who brought them up? Some of them were running at Dan Saville's, at Lansdown.
653. Then besides the 200 head, you only got sixteen from Maitland? No, there were more than that.
654. Is the paper produced in your handwriting? Yes, this is in my writing; but this has nothing to do with the quantity of cattle brought up—there were several drafts of cattle sent across from Maitland.
655. You admit that it is in your handwriting? Yes; but what has that to do with the quantity?
656. It is a pass given to a Government man to bring seventy-three head of cattle—forty-seven cows and twenty-six calves, from Maitland, and is dated 4th December, 1840? Yes, but this has nothing to do with the first lot of cattle.
657. You say you do not recollect when you first mortgaged to M'Guigan? No, I do not.
658. I will tell you—it was on the 1st March, 1841? Very probably.
659. Who did you mortgage to after that? I do not know.
660. You do not recollect? No.
661. Did you mortgage it to Mr. George A. Crowder? No, I never mortgaged to him.
662. Had you any money from him? No, I did not receive the money, and therefore I did not mortgage to him.
663. Did you not get the sum of £595 from Mr. George A. Crowder, or from his attorney? No, not a shilling.
664. And do you affirm that you never got any money from Mr. Crowder? I do; not a shilling.
665. I produce here a release from George A. Crowder to Isabella Mary Kelly, for £595? Yes; that release was executed because I had executed the mortgage deed, though I never got the money; and because I had executed the mortgage deed my property could not be sold until we got this release.
666. Is that your signature? If I am allowed to hand in Sir William A'Beckett's letter, that will explain how the thing occurred. I had the mortgage deed prepared, intending to borrow the money from Mr. Crowder, but the money was never paid.
667. But this deed is executed? It is. I say that I executed it when I was about to borrow the money. I was in Sydney, and executed the deed previous to going up to the Manning, leaving my attorney to get the money, but the money was never paid.
668. How do you account for this deed being executed? I say again that I wished to borrow the money, and had the deed drawn up for the purpose. When I was going back to the Manning I executed the deed, so that my attorney could receive the money; the money however did not come. The only money I received was from Sir William A'Beckett, whose letter to me explains the whole matter, if I am allowed to produce it.
669. Then what money you received was from Sir W. A'Beckett? Yes.
670. Was that Mr. Crowder's money? No; I received no money of his through Sir W. A'Beckett, but I did receive money from aunts of his; they each of them sent me £50.
671. From whom did you receive the money that lifted M'Guigan's mortgage in 1856? From Mr. A'Beckett, not Sir William, but Mr. Arthur A'Beckett. He lent me the money, £500, and would take no interest for it.
672. Is this your signature to the deed of 23rd May, 1856? It is; but Sir William A'Beckett's letter will fully explain this transaction.
673. Did you mortgage your property on the 16th January to Charles Chapman, oil and colour merchant, for £50? Yes, I think I did. I wanted the money to make up a sum I required for the purchase of some land; I think it was when I was buying the property at the Hunter River; but I was always speculating in land and in many ways.
674. Is this your signature to the mortgage deed, Kelly to Chapman? Yes, it is.
675. Were you lent some money by Mr. Roxburgh? Yes.
676. On mortgage? Yes.
677. When did you mortgage to Mr. Roxburgh? I cannot speak exactly to the date.
678. Did you mortgage to him in 1858? Yes, I think so; either in 1858 or 1859.
679. For £500? Yes.
680. In page 16 of your evidence of last year, in answer to question 585, you say that you had no mortgage on your property when these proceedings were commenced? In 1855? No, certainly not.
681. And you now assert that you had no mortgage on your property at that time? Not that I remember. I cannot remember things now very clearly, but I will tell you if I can remember them.

682. *By the Chairman*: When Skerrett first commenced these proceedings against you, you had no mortgage on your property? No, no mortgage in 1854 nor 1855.
683. *By Mr. Flett*: But here is the deed; it was mortgaged to George A. Crowder, of London, for £595? That deed is nothing at all; the money was never advanced; although the deed was executed the money was never paid, and there was no mortgage. I signed the mortgage deed to get the money, but it never came out; and on account of my having done so, Mr. Dodds, the auctioneer, could not sell the property until there was a release from Mr. Crowder, and we had to send Home to England to get one.
684. *By the Chairman*: It seems to be in this way—you intended to mortgage the property to Mr. Crowder? Yes.
685. The money came out? No, it did not come out.
686. You had a mortgage deed prepared, and you signed it? Yes.
687. In anticipation of getting the money? Exactly.
688. Who did you leave the mortgage deed with? I was under the impression that I had left it with Sir William A'Beckett, but I find that it was not so, for he says in his letter that I did not. His letter explains the whole matter. He states there that Mr. Crowder will not accept of any mortgage from me.
689. Then, having executed this mortgage deed, in order to put the property right again you had to get this release? Yes. When Mr. Dodds, the auctioneer, was going to sell the property, the lawyers said that the release was necessary.
690. Though you signed the mortgage deed you did not get the money? No. I executed the mortgage thinking to get the money, as Sir William A'Beckett's letter will explain if you will allow me to hand it in. All my correspondence went through him, as he was a friend of these friends of mine. When they knew I wanted the money, they lent it me without interest. They did not charge me a penny for interest. I wanted the money because I dealt very largely in land, and here are the vouchers to shew that I did so. Sir William A'Beckett wrote me a letter, saying that I had better not mortgage the property. I was then buying land and speculating in other matters. I was going to ship off horses to India, and I wanted money to meet the expenses I was incurring. These were very heavy, as I had to keep ten or twelve men at that time. Here are the vouchers for everything, to shew that I am speaking nothing more than the truth.
691. *By Mr. Flett*: At the time you were incarcerated did you make over your property to Messrs. Lennon and Cape? No; they were only my agents for the sale of the property.
692. Did you sell the property to them? Not to my knowledge: What I understood was this: They lent me £320, and they took a mortgage on the property for the amount, to be repaid to them when the property was sold. Here are their accounts shewing how the whole matter was managed.
693. At page 5 of your evidence, and in answer to question 17, you say that you altered the tail of your "y" at a certain time? Yes; but I do not recollect precisely at what time.
694. About what time do you think? I cannot say. I know that it was through Mr. Hughes, the grocer; I was paying him a bill by giving him a cheque, and he then shewed me how he could imitate my writing. He said he could take every shilling of mine out of the bank if he felt so disposed; and I then altered my signature. I used to make the tail of the final "y" of my name straight down, and I afterwards altered it by making a loop to the "y."
695. This (*paper produced, marked B*) is in your old style? Yes.
696. It is your signature? Yes.
697. Is this yours (*paper produced, marked C*)? It is mine, I think.
698. Is that yours (*paper produced, marked D*)? That I cannot say; I have no recollection of it.
699. Is this yours (*paper produced, marked E*)? I do not think so; it does not look like my handwriting.
700. Is any part of it in your writing? I do not think so.
701. Is the signature yours? No, I am sure the signature is not mine.
702. *By Mr. Garrett*: You are sure the signature is not yours? I think not. Indeed I may say I am sure not.
703. Is this in your handwriting (*paper D shewn to witness*)? I have been looking at it, and I cannot understand it.
704. But with regard to the handwriting, is that yours? It looks like mine, but my writing has been so often imitated, and I do not remember this. A number of persons have forged my signature, and I would not speak to this without knowing the paper.
705. *By the Chairman*: Do you know, or have you any means of saying from the document itself, whether this is in your handwriting? I know that I wrote a notice stating that I was going to take my cattle out of the hands of Charles Skerrett, and that this notice was drawn up and signed by me in the presence of Mr. Cosgrove—but it is the date I am looking at. It is dated in September, and I was in Sydney in September. I came down to Sydney in July, and did not leave until after September. I know that I gave a notice to that effect, but I cannot conceive how it could have got into Mr. Flett's hands. If it is a copy of the notice that I gave, then it was in a box in my house, and was locked up, and must have been stolen from there when so many of my things were taken away. It is not the original notice, for that was under the hand of Mr. Cosgrove.
706. *By Mr. Flett*: All I want to know is whether the signature is yours? I cannot say that it is, though it is like mine. If it is mine it ought not to be in your hands at any rate, for if so, it is a copy of the notice I gave, and was left in my desk at the Manning, and must have been stolen. I did give notice to this effect, but it was done through Mr. Cosgrove, to Skerrett's wife.

Miss Isabella 707. *By Mr. Garrett:* Why did you give notice to his wife? Because I allowed her to
 Mary Kelly. milk the cows, and I had made up my mind to sell them; and Mr. Dodds sold them for me
 afterwards. The notice was advertised three times in the Maitland papers, cautioning the
 public from purchasing cattle or stock having my brand from Charles Skerrett.

14 Aug., 1863.

708. What was the date of the first advertisement? I do not know the date of the first, but the second was September 2, 1854. Previous to that the notice was advertised once. It was again advertised in September; making twice in September and once before.

709. Skerrett had possession of these cattle at that time? Not at all. He never had possession of them, but I allowed Mrs. Skerrett to milk them; but I found that he had been selling some of them, and then it was to protect myself I advertised the notice cautioning the public not to buy cattle from Skerrett. He never had possession of a single beast belonging to me.

710. *By Mr. Flett:* Is that in your handwriting (*paper D shewn to witness*)? I do not understand the document.

711. All I want to know is whether it is your handwriting? Really and truly I cannot say whether it is mine or not.

712. *By Mr. Garrett:* What makes you doubt it? Because there was such a document as this when I gave notice. I used to allow the Skerretts to milk the cows until I sold them; and I gave them this notice that all my cattle were to be taken away, and that Mrs. Skerrett was not to milk any in future.

713. And does that lead you to doubt whether this is in your handwriting? I doubt it because I have no recollection of such a document as this. I gave notice, but it was in the presence of Mr. Cosgrove; he was the witness to it.

714. Then it is the absence of his name as a witness to the document that leads you to doubt its authenticity? Most decidedly, because there is nothing here to shew me that it is the document he sent.

715. *By Mr. Flett:* Is the paper in your handwriting? Really and truly I will not say. It may be or it may not be, I will not say positively.

716. You said just now that it must have been got out of your box—stolen, I think you said? Yes; if it is my writing, it must have been taken off my premises, and if so, out of my desk.

717. At page 15 of your evidence last year, you state that the first intimation you had of Skerrett's character was from Major Innes? Yes, it was so.

718. You said, I think, that Major Innes told you he had been completely taken in by him, and that after hearing this you were exceedingly cautious in your transactions with him? I beg your pardon. I will tell you the exact words that Major Innes used.

719. We have them here. You say he told you that Skerrett was the greatest scoundrel in being? He did; those were his words.

720. In what year was this? In 1854.

721. *By the Chairman:* Do you remember this sample of your handwriting that you wrote last year (*paper marked R produced*)? I do.

722. *By Mr. Forster:* You say that numbers of persons have forged your handwriting at different times? I did not mean to say that a number of persons had forged it, but only that it had been frequently forged.

723. Have you ever succeeded in proving this? It was proved to be so in Skerrett's case.

724. But in any other case? I have had no chance of proving it in other cases, because I cannot get at the documents.

725. I should like to know, not exactly—but in round numbers—what you consider to have been your loss by reason of the proceedings taken against you? I consider that if I had had the management of my own property, so as to cut it up into a number of small farms as I had proposed —

726. I do not want that. All I want to know is, in round numbers, what you consider you have lost? About £10,000. I have vouchers to shew that my loss has been quite to that extent.

727. What was the value of the land you lost, or did you lose any land? Yes, I lost all my estate.

728. That had to be sold, to defray law and other expenses? Yes.

729. At what do you estimate your loss in land? It would have been worth £3,000 or £4,000 by my own management; that is, by selling it in small farms, and giving time to pay portions of the purchase money.

730. By the way in which you proposed to manage, you believe you would have realized £4,000 from your land? I should.

731. What was your loss in cattle? I sold all my cattle and forty-three acres of land for £1,200.

732. I want you to confine yourself to the cattle only, and to say, in round numbers, what you consider to have been their value? About £800 or £900.

733. And the value of your horse stock? I am certain that I had quite £6,000 worth of horses.

734. And this amount you lost either from losing stock or from its being sold at a disadvantage, whilst you were incarcerated? Yes, I am sure I could have made that amount of my horses.

735. What you have now enumerated is the principal of what you have lost? Yes, that is the chief part; but then there was my Maitland property.

736. Then your loss in land you estimate at £4,000? Yes.

737. Your loss in cattle at £900? Yes, something about that.

738. And your loss in horses at about £6,000? Yes.

739. Making over £10,000, and nearly £11,000? Yes. Then there is the Maitland property, that was sold by Mr. Dodds. I can give you vouchers for everything I have here stated. Miss Isabella
Mary Kelly.
740. I do not want the vouchers, I only require you to estimate your loss in round numbers. It seems, then, that the estimate of £10,000 that you made just now, does not include the Maitland property? No. 14 Aug., 1863.
741. Did you sell that property in consequence of these proceedings of Skerrett's? Yes, and spent all the money I got from its sale, in law and other expenses consequent upon them.
742. How much did you get for this property? About £1,200.
743. That amount, then, was lost in addition to the £10,000? Yes, the whole of it.
744. Out of all this property you have enumerated have you nothing at all left? Nothing but some wild horses—some of those that got away when the rest were collected; they are of no value now.
745. Then, in consequence of these proceedings against you, you became entirely deprived of your property? Yes, of everything.
746. Did any one ever offer you a price for any of your property? Yes, Mr. Peters offered me £4,000 for my horses.
747. When was this? In 1856. He offered me £4,000, but I wanted £4,500, and we parted on that. I hope to be in a position very shortly to prove the truth of this statement.
748. Was any offer ever made to you for your land? Yes, I was offered £2,000 for it, before I cut it up into the small farms that I spoke of.
749. And for your cattle, was anything ever offered you for them? I sold them to big Ben Cooper for £1,200; that is, the cattle and forty-three acres of land.
750. *By Mr. Flett*: Did Mr. Dodds ever offer your property—the Manning River property—for sale in Maitland? I say that it was put into his hands for sale.
751. Did he not put it up to auction, and was he not unable to get a single bid for it? That I do not know.
752. Did he sell it? No; but he received an offer of £2,000 for it, and I told him not to sell at that price.
753. Do you not know that Mr. Campbell has bought it since for £500? No, I did not know who bought it.
754. But you know that it was bought for £500? Yes, I do know that; and I know also that you were the cause of its being sacrificed.
755. I beg to say that I was nothing of the kind? I know that you were, and that all my misfortunes were through you.
756. *By Mr. Forster*: You seem to have had a great many enemies on the Manning River? Yes, I had.
757. Do you know what was the cause of it? In a great measure I do.
758. What reason was there, do you think, for this enmity to yourself? They envied me on account of my stock—that was one reason; another reason was that I did not visit my neighbours on the footing that they would have had me do, because I did not consider that they were fitting companions for me.
759. At all events you seem to have made more enemies in your neighbourhood than most other people? It is so.
760. Did any conduct on your part tend to produce this ill feeling? No, I think not. If I am allowed to speak presently I shall be able to give a reason for it. If Mr. Atkinson was in town here from Port Fairy, he would be able to tell you something about it.
761. Does he know anything about your affairs? Yes, he does.
762. I believe he is in Sydney now, and if he were brought here what could he say? He could say that he found out Charles Croaker in telling a falsehood, and that he was not a man to be believed.
763. But what could he prove in regard to your case—did he know anything of the value of your property at the time he was there? I do not know that he could. He was not very long on the Manning; but I know that he could give you evidence as to the truthfulness of some of these parties who have spoken against me.
764. *By the Chairman*: Did you buy your Manning River property from him? No, it was bought from the Government.
765. *By Mr. Garrett*: When you bought your Mount George property, you knew the position in which you stood pecuniarily? Yes.
766. What was your position then? I knew that it was very good—that I was very wealthy.
767. That was in 1839? Yes; in 1837 I was lending out money on mortgage, and in 1839 I was a rich woman.
768. In what way were you rich? In cash; and I can bring forward people to prove it, and to shew that I was then lending out money on mortgage.
769. Is that between 1837 and 1839 you were lending out money on mortgage? No, between 1834 and 1837 I did so.
770. And in 1837, '38, and '39 you were wealthy? —
771. Did you mortgage your property to M'Guigan in 1839? I do not know when it was exactly. I was speculating at the time, and wanted ready money, for though I had money it was lent out on mortgage, and I could not get it in so as to be available for the purposes I wanted it for.
772. To whom had you lent out money at that time? To several persons.
773. Can you mention the names of some of them? It would not be a right thing for me to bring up the names of persons who had borrowed money from me. Of course if the Committee insist upon it I shall feel bound to do so.
774. What I wish to know is—how it happened, if you had so much money of your own at that time, you should borrow money on mortgage of your estate? I have explained that I had

Miss Isabella had my money lent out, and could not get it in just when I wanted; and at that time I
 Mary Kelly. was buying stock for my run, and was giving very high prices for them. Some of my
 horses cost me £100 each. There was one mare that I gave £110 for. The cattle I bought
 14 Aug., 1863. were of a superior breed, and I paid long prices for them also. Stock of every kind was
 very dear just at that time.

775. That is the 200 head you speak of? Yes, those and the others I bought at different times.

776. Where were these sent to? To Mount George.

777. Then the cattle you were speculating in were all sent up to Mount George—that is, the 100 head of cows, the 100 head of calves, and the thirty-two head you bought from Smith and Shaw? Yes. Besides this, I bought some from Mr. M'Leod.

778. How many? I do not know how many; but I frequently bought small lots from people. Sometimes parties driving cattle would have them knock-up on the road, and then they were glad to sell them at almost any price.

779. What did you pay for the cows you bought? £6 per head. They were dear at that time.

780. You have mentioned that you received remittances from two aunts of Mr. Crowder's? Yes.

781. Were these remittances made at your solicitation? No, I never dreamed of asking for such a thing. The money was sent to me without any request on my part. They were friends of mine, and I have frequently had money sent me out by my friends. Here is a letter shewing that £100 have been sent me out lately, in order to support me in my trouble. I never sent Home for that, nor thought of doing so.

782. However, you got two remittances of £50 each? Yes.

783. From whom? From friends of mine in England.

784. Will you state their names? I do not wish to bring the names of my friends into question in this matter.

785. Was this money bequeathed to you? No, it was given to me.

786. In what way? It was left to me.

787. By will? It was left to me by a lady who died.

788. It was not an advance as loan? No, not at all.

789. With regard to the £500 from Mr. Arthur A'Beckett, did you negotiate that as a loan? I do not know how it was managed. Mr. Dawson, my solicitor, had the management of the business, and knows all the particulars.

790. For what purpose did you get it? That I cannot say, at this distance of time.

791. Was it to pay off M'Guigan's mortgage? Well, I think it may have been for that purpose, but I really do not recollect positively.

792. Had you not means of your own to pay off this mortgage, seeing that, according to your shewing, your property must have been valuable? I had plenty of stock and land at that time, but I did not wish to sell just then, as I was speculating in stock.

793. Was it that there was no market for stock at that time? I was upon the point of sending off 200 head of horses to India just at that time, and I was in want of ready money to make my preparations, and to pay for labour and many other things that were essential.

794. You afterwards mortgaged to Roxburgh? Yes.

795. For £500? Yes.

796. Was that to pay off A'Beckett's advance? I do not know; I really forget; my memory is not so good now as it used to be.

797. Your memory, however, seems good enough in regard to the value of your property? Yes, because I have vouchers as to that, from auctioneers and others, so that there can be no mistake.

798. When was the £500 borrowed from Mr. Roxburgh? I borrowed it from Lennon and Cape; it was through them that I got the money.

799. At what date? In 1858 or 1859.

800. When did you borrow the £150 from Mr. Charles Chapman? I cannot remember the date.

801. Why did you borrow so small an amount as this, when as you say, you had plenty of money of your own? I expect by its being so small, in amount, that I must have wanted ready money for some speculation, and borrowed this in anticipation of money of my own that was coming in to me. What money I had was lent out, and not available at a moment's notice.

802. Was money owing to you at that time? Yes.

803. On mortgage? No, not on mortgage.

804. Secured in any way? No.

805. About what amount do you think was owing to you at that time? I have not my books with me, and therefore I am in no position to say.

806. But here you say that you have all this property of your own, and that you are a rich woman, and yet you go and borrow on mortgage this paltry sum of £150, and I should like some reasonable explanation of how that happened? I may have been short of ready money for some purchase, or I may have wanted it to pay wages, and in order not to sacrifice my property by bringing it into the market and pressing a sale, I borrowed this money until I could get in my own money that was owing to me.

807. And you had money accounts out at this time? Yes; I was often in the habit of lending money to my friends.

808. Without security? Yes, of course.

809. When you got into this trouble, out of which the proceedings of which you complain
 arose,

- arose, you executed a deed of assignment of all your property to Messrs. Lennon and Cape, Miss Isabella Mary Kelly: in order to secure an advance they then made you? Yes, to secure an advance of £320.
810. Had you any other property beyond that which you then assigned to Lennon and Cape? Yes, there was my Maitland property—some of that was left.
811. That was not included in the deed of assignment? No.
812. Were there any persons owing you money at that time, when you executed the assignment? Yes, and there are now.
813. And was this the only way in which you could raise money upon property that you say is so valuable—by assigning over all your property to secure so small a sum as £320? I had no knowledge of what I was doing. They told me that this was what I should have to do. I was almost out of my mind with the proceedings against me, and they did as they liked. I was certainly not aware that I had assigned or sold my property to Lennon and Cape.
814. But do you not perceive that it must seem very extraordinary that you should mortgage or assign over property that was worth, according to your statement, £3,000 or £4,000, for so many hundreds? That was because I did not want more than the £320. I could have had more had I required it; but I did not want more, as the smaller the sum I got the more easily it would be re-paid.
815. The Mount George estate, you say, was worth £3,000 or £4,000? Yes; that is, supposing I had had the selling of it in small farms as I proposed.
816. What was the extent of it? 895 acres, and 300 acres of the richest brush land.
817. The property has been sold latterly, I believe? Yes.
818. To pay off the mortgage? Yes.
819. That was Mr. Roxburgh's mortgage? Yes.
820. Was it sold publicly? No, privately.
821. The mortgage was foreclosed? Yes.
822. What did it fetch? It was sold for the mortgage money.
823. Did you not get notice of the mortgagee's intention to sell? No.
824. Are you sure that no notice was given you? It was when I was in trouble; notice may have been given to my solicitor, but I had none.
825. But you must have received notice of the foreclosure, and then of the sale? No, not at all; I was living on the property when I understood it had been sold, and that I was to give possession.
826. Was not the notice usual in all such cases given to you? Well, I suppose so; but I did not see it.
827. Everything was done legally? Yes, I presume so.
828. And the property was sold for £500? Yes, for the mortgage money only.
829. If you had got notice of the intended sale, could you not have taken steps to get the money and redeem the property? I had lost all my property then, and was in no position to raise the money.
830. But if it was mortgaged for £500 only, and it was, as you say, worth £3,000 or £4,000, surely, if you had had notice of the foreclosure, you could have taken some steps to have the property redeemed, supposing it to be worth so much more? Yes, of course, if I thought they were going to sell, I would have borrowed the money from some of my friends, who would have redeemed it for me; but I never knew of it until it was sold. When I heard that the mortgage was to be foreclosed, I wrote to Lennon and Cape asking them to interfere; but their answer was, that I had spoken so ill of them that they did not like to interfere any further in my affairs. I called upon them afterwards, and asked them to tell me who it was that had informed them that I had spoken ill of them, and they said that it was Mr. Flett who had called there and told them so.
831. But for what purpose did you conceive that you got the notice of foreclosure unless to give you an opportunity of paying the money, if you did not wish to give up the property? You must understand that I was living on the Manning River, and that everything cannot be done there so speedily as it can be in Sydney. After I heard that the mortgage was to be foreclosed, I called on Mr. Roxburgh and asked him not to sell my property. He said he had nothing to do with the matter—that it was entirely in the hands of Lennon and Cape. I then went to them and asked them the same thing. I said, "I hope you will not allow my estate to be sold; it is all I have left me, and I have set my heart upon it; it will break my heart if it is sold." They said they would see what was to be done in the matter; and I left them, under the impression that it would not be sold. Subsequently, after they heard that I had spoken against them, I suppose, the estate was sold; then they said that they had heard that I had spoken ill of them, and I demanded to know who it was that had told them I had spoken against them. Mr. Cape informed me that it was Mr. Flett who had told them, and I may thank him for my property being sacrificed in this way.
832. All the property realized was £500? That was all.
833. Although you say it was worth £3,000 or £4,000? Yes, I could have made that much of it, and perhaps more.
834. You say that you had many enemies on the Manning River, and that they envied you? Yes.
835. How do you account for that? In the first place, a person being a Magistrate on the river has it in his power to make me many enemies if he is so disposed, and Mr. Flett is one of my most bitter enemies there.
836. Who are the others? Mr. Croaker is another.
837. Why is he your enemy? Because I did not visit or make friends with him. I never visited at his house, nor any of his family. We were not even on speaking terms, because he

- Miss Isabella he charged me with having written an anonymous letter about his sister misbehaving herself.
 Mary Kelly. I never wrote that nor any other anonymous letter, as I would not be guilty of such a piece
 of meanness. They accused me of having done so, and we were consequently not upon terms.
- 14 Aug., 1863. 838. You have not been on speaking terms with him for some years? No; he never
 visited my house, nor I his.
839. You heard of his evidence that he gave before this Committee? Yes, and it is all
 false—quite false.
840. Miss Croaker is an enemy of yours also, I presume? Yes, most decidedly.
841. Any others? Those are the principal ones, but I am happy to say that I have many
 friends as well as enemies.
842. You say that they envied you? Yes, and taxed me with writing anonymous letters.
843. How was it that Mr. Flett came to envy you? I wished to explain that. He proposed
 marriage to me and I refused him, and he then said that he would be my bitterest enemy if
 ever I divulged the secret of his having proposed to me. He has proved his spite.
844. And your other enemies, why did they envy you? Because I was a large stockholder,
 and they all had stock more or less, and there were always disagreements about cattle tres-
 passing; sometimes their cattle trespassing on me, and sometimes my cattle trespassing on
 them. This caused enmity, and afterwards ill-feeling.
845. These persons had all stock as well as yourself? Yes.
846. But you were the largest holder of stock on the river? Yes.
847. And therefore they envied you? Yes. I do not know for certain that that was the
 cause, but I think it was.
848. How is it that you make out that your Maitland property was sacrificed to these
 proceedings? Because the money I received for the sale of the property had all to be spent
 in law and expenses.
849. What was it sold for? I got £990 for one allotment there.
850. Then you got the full value for that property? Yes, for that in Maitland, I did; for
 all except one allotment.
851. You received £1,200 for the Maitland property? Yes.
852. How did you spend it? In paying the expenses of my witnesses, in keeping myself in
 Sydney, and in law expenses.
853. And you say that you spent all this amount of £1,200? Yes, everything is here in
 these accounts.
854. Those accounts shew that the money was received, and I wish to know how it was
 spent? How can I give you such an account as that without referring to my books?
855. You cannot then produce these accounts? No; it would be impossible for me to do so,
 living as I have been since these matters commenced, with expenses up and down from the
 Manning for myself and my witnesses, and having to pay everything for my servants, and
 living here in Sydney, as well as all the heavy law expenses. I consider that I have a
 right to claim for it.
856. If you spent the money through your false imprisonment then you would have, but
 you do not shew this? I give you vouchers for everything up to £6,000.
857. Yes. Those are vouchers for receipts—for what the property realized, but we have no
 vouchers in regard to your expenditure? No. I could not give you vouchers for that,
 because I kept no account of the claims that came in on me and that I had to meet. These
 were very heavy, for my case was postponed two or three times, and there were several
 trials.
858. Then you put down all these payments as having been made on account of your misfor-
 tune? Most decidedly I do.
859. I see in this account a payment to Mr. Yeomans—has that for instance anything to do
 with your misfortune? Yes; it was a payment made to him for a sale of my property
 These accounts shew how my property was sacrificed, whilst I was in gaol.
860. *By Mr. Flett:* What did your property in Maitland consist of? Allotments.
861. How many? Four.
862. When did you sell them? Some of them in 1858, I think.
863. Any before them? Yes, I sold thirty-five allotments in 1856.
864. I allude to your Maitland allotments—were any of them sold before 1858? No, I
 think not. There may have been, but I think not.
865. Are they all sold? Yes, they are all sold now.
866. At what date were they sold? I have the vouchers here that will shew the date.
867. I want to know what your property in Maitland consisted of? Of landed property.
 Of four allotments of land—two in Bank-street, one in William-street, and one in Newcastle-
 street.
868. Did ever you sell cattle to Gordon and Dictor, of Dungog? Yes.
869. How many head? 300 and odd.
870. What year did you sell them in? I do not know.
871. Was it in 1849? Perhaps it was, but I cannot say.
872. In what year did you leave Mount George, to go to Brinban? In 1851.
873. In 1851? Yes, I think so.
874. Was it not in 1850? No, in 1851.
875. Have you any documents to shew that you brought 200 head of cows and calves to the
 Manning River? I may not have brought them all to Mount George. I had two stations,
 Gaugatt and Brinban. Some of them may have been taken there.
876. Have you anything to shew that you brought that number over to the Manning? I
 did not have that number at Brinban, I only had my milkers there.
877. That is not what I mean—you say you purchased 200 head of cattle in Maitland?
 Yes, I did. 878.

878. Have you any documents to shew that you did so? I never thought it necessary to bring such documents with me, but I have no doubt I have them.*
879. You have not those documents with you? No.
880. Nor can you tell us the name of the person to whom you intrusted them? He was my stockman—William Lippey, and Brown. Miss Isabella
Mary Kelly.
14 Aug., 1863.
881. Nor do you know the person from whom you bought them there? They were bought at auction, and I do not remember the person's name; I will look over my accounts and see if I can find the name. I have many old accounts at home, and this is no doubt amongst the number.
882. You say that the person named in this pass brought over seventy odd head of cattle for you, from Maitland to the Manning? It is so many years ago, that it is impossible for me to remember whether I gave a pass to a Government man,† but I know that I bought the lot of cows and calves I have mentioned; 100 cows and 100 calves, and at different times I have bought other lots of cattle from various people, and I may have given this man a pass to bring them over.‡
883. Where did you get the cattle that you sent this man on with at the time mentioned in the pass? That I cannot remember; but I know that the man mentioned there is not the man who drove the 100 head of cows and 100 head of calves over from Maitland.
884. But here is the pass? He may have taken over some other cattle that I bought at that time, or the cows and calves may have been sent over in two or three lots, and he may have taken one of them. It is very likely that the person I bought from may not have been able to have mustered them all at once, and so may have delivered them in two or three lots, and these seventy-three head may have been sent on afterwards. It is so long ago now that I cannot remember whether I sent them off in one or two lots.§
885. How many cattle had you at Brinban, when you left Mount George? I do not know.
886. How many were there at the Gaugatt station? I could not say the number, but I had all the best of my milking herd there. You may guess that there was a good number of them, when I tell you that I made as much as £70 in a month from butter.
887. How many horses had you? I had 200 head of horse stock, and out of that, 108 head were mares.
888. Did you ever muster them? No, they were never all mustered.
889. Where were they running? Some at Gaugatt, and some on the river. There were some on Mr. Dennis' run, and sixteen of them I never got to this day; they are out on that run now, with their increase.
890. At the time you brought these cattle to the Manning did they all belong to you? Yes, all except two cows that I took over for a friend.
891. Had you any cattle from Mr. James Cosgrove to take over to the river? Not at that time.
892. When did you get any from him? When he went up to the river. We made an exchange—I gave him a mare, and took cattle for the value of it.
893. You took cattle from him in exchange for a mare? Yes.
894. You never got any cattle to bring over to the river for him? I may have done, but I really cannot remember.
895. Do you know where Mr. Cosgrove is to be found? I do not.
896. Had you any cattle belonging to Miss Dabost amongst those you took over to the Manning? No, there was not a beast of hers on my place, except a filly that I gave her.
897. Did you take over any belonging to Miss Church? No, none.
898. Now did not these cattle that you took over from Maitland belong to yourself, Mr. Cosgrove, Madame Dabost, and Miss Church? No.
899. Were they purchased with the money of these persons named? Madame Dabost had not a four-footed animal but the filly I gave her.
900. Madame Dabost tells a different story? I am quite sure that she will not tell an untruth.
901. She must have done so if your tale is correct? I am perfectly convinced that she is incapable of such a thing.
902. Last year, in answer to question 214, you alluded to a side-saddle which you said had been made to order in England, and sent out to the Colony expressly for you, which side-saddle you said somebody else had got and was using? Yes, I did; and in proof of my assertion I hand in a letter from a lady in London, who had the saddle made expressly for me, and sent it out to me by Mr. Ballard, of Oakhampton. (*Letter handed in, and marked G.*)
903. But that letter does not prove that the parties you name had the saddle? They were seen with it.
904. But the parties deny that they ever had it? I can only say that it was taken away from me, and was afterwards seen with them.
905. Who is this Miss Woods? She is a lady.
906. Was she a fellow-servant of yours? I have never been driven to be a servant to any one. Miss Woods was governess in a family where I visited.
907. *By Mr. Forster*: Do you think you could get a debtor and creditor account made out, shewing

* NOTE (on revision):—My house was burnt to the ground, and all papers bearing old dates burnt also.

† NOTE (on revision):—Brinly and the Johnsons brought cattle from Maitland for me, but I cannot say how many, as my papers were burnt.

‡ NOTE (on revision):—The first lot of cattle was taken to the Manning by William Lippey and John Brown.

§ NOTE (on revision):—Brinly drove Martin Shannon and William Shaw's, and Mr. John Hector cattle which I had bought of them.

- Miss Isabella Mary Kelly. shewing the value of your property and the amount of legal and other expenses you have paid in consequence of these proceedings? I will endeavour to have one made out.
908. *By Mr. Flett*: In answer to question 1998 you speak of the great expense of witnesses—
 14 Aug., 1863. Will you allow me to ask you whether you had to pay the expenses of these witnesses? Yes, not once only, but three or four times; there were a good many of them, and I had to pay them all.
909. Joseph, William, and Ann Andrews, were witnesses at that time? Yes, and a great many more, at three different times.
910. Let us speak of these first—you had these three? Yes, and Richards.
911. Did you not pay them £5 each for their expenses? Yes.
912. And that was all you gave them? That was a deposit on account of their expenses; they would not come down until they got that much in advance.
913. Did you pay them more than that? I think I did; I have all my accounts at home, and can soon find out.
914. Then there were William Maclean and Richards, to whom you gave £5 each; and Lewis and Giles, to each of whom you paid £10? No, I think I paid £5 each to them.
915. I know that Lewis and Giles got £10 each? I do not remember now.
916. To Turner you paid £3? No, I gave Samuel Turner £5.
917. And to Tipping £3? No, I gave him £7, and Turner £5; I am certain of that.
918. How did you pay them—by a cheque? No, in money.
919. To Cane you gave £3? I do not know.
920. Altogether making £44? It was much more than that; and then they came down two or three times; my case was postponed several times.
921. In answer to question 2013 of last year, in speaking of a sale of your goods at the suit of one of your shepherds to whom you owed money, you say that you lost several hundred pounds by that sale? Yes, I did.
922. You say that the Sheriff sold off the things for a trifle you owed a shepherd—that you were not there, and all the property was sacrificed—all your beautiful furniture that had cost you several hundreds of pounds realized only £13, because there was nobody there to buy? I said that I had been both robbed and plundered in every possible way; that everything of value was taken in my absence, and that the things were sold in this way at a sacrifice.
923. *By Mr. Garrett*: Did you ever get an account of this sale? No, I was not there at the time.
924. Did not the Sheriff furnish you with a list of the articles sold, and what they realized? No, never.
925. *By Mr. Flett*: Were not the articles sold a number of the dishes and utensils, and an old horse? No, the utensils could not have been sold, because I gave them to Mr. Cooper as a present. The horse you speak of was one that I was offered £20 for, and refused to sell him, and he was sold by the Sheriff for 12s. 6d.
926. *By Mr. Garrett*: With regard to this sale—can you give us any idea of what really was sold? No, I cannot give an idea. Everything was so taken away, and I was so robbed and plundered during my absence, that I cannot say what was left in the house to sell.
927. Were they sold at Mount George? No, I believe they were taken to Cundletown.
928. Where were you at the time? I was very ill, after coming out of gaol.
929. *By Mr. Flett*: Do you know out of what house the articles sold were taken? No, I never made any inquiry on that point. I left everything in my residence at Mount George, but the doors were broken open, and the place was ransacked and pillaged, and everything of value taken away.
930. They were taken from Waterview—were they not? Yes, I believe so.
931. Your answer to question 2013 would lead people to believe that a quantity of very handsome and expensive furniture had been sacrificed at the sale, when in reality nothing more than a few boxes and tin dishes and one horse were sold? My furniture was sacrificed and destroyed, and a beautiful carpet that cost me £20 was stolen.
932. *By the Chairman*: The carpet and other articles referred to in your former evidence have all gone out of your hands in some way? Yes.
933. If not sacrificed at this sale? Yes, and I may say here, that in speaking of this sale I may have mixed up one thing with another, and confused my loss at the sale with the property in the house that was burned.

WEDNESDAY, 26 AUGUST, 1863.

Present:—

MR. ARNOLD,	MR. GARRETT,
MR. CUNNEEN,	MR. HARPUR,
MR. FLETT,	MR. MORRICE,
MR. STEWART.	

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

Mr. Nicholas Henry Binkin called in and examined:—

- Mr. N. H. Binkin. 934. *By the Chairman*: Do you know a man of the name of Reuben Richards, who was living at Mount George, Manning River? Yes.
- 26 Aug., 1863. 935. Were you at any time in company with him at Gauget Creek Station? Yes.

936.

936. How long were you in company with him at that station? As near as I can recollect, about half an hour or three-quarters of an hour, but it is three years ago, and I am not likely to recollect within a few minutes or so, how long it was; it was somewhere inside of an hour, as near as I can tell.

Mr. N. H.
Binkin.

26 Aug., 1868.

937. Do you remember what circumstances brought you and Richards to that station? I was travelling on the road between Gloucester and the Manning, he was running the mail there, and I met him—I was going to the Manning and I should stop at his place, or stop on the other side of the Manning that night. I met him as he was going up the hill, and he said if I waited till he came down we would go on in company.

938. Where did you go? When we got along the road a few miles, he said "I am going to call at Miss Kelly's station." He said "I want to speak to her about something."

939. Did he mention what the something was? No.

940. And you went with him? Yes, I was riding, and when we got to the station, Miss Kelly and him began to talk. I waited a few minutes and then I went away about fifty yards, got off my horse, and let him feed, and lighted my pipe.

941. You got off your horse and let him feed while Richards and Miss Kelly were talking together? Yes, while I was waiting for Richards I said "Come on." He said "I will be with you in a minute," so I went away, let my horse feed, waited for him, and had a smoke.

942. For how long did you wait for him? About half an hour—I had a good smoke, and I called out to him twice or three times to "come on." It was a high wind, and I could not hear what he said, but he waved his hand, as much as to say he would be there in a minute.

943. Was the conversation between Richards and Miss Kelly of a friendly character? Miss Kelly seemed to be in a bad temper.

944. Did Richards get off his horse? He never got off his horse while I was there, but I started away down the creek before him.

945. Are you sure that he did not wait there longer than half an hour or three-quarters of an hour? It was inside of an hour—I do not think he was there an hour, at least I am sure he was not; it was something inside of that.

946. He did not get off his horse? He did not get off his horse while I was there; but when he did not come, I started on and got about half a mile down the creek when he pulled me up.

947. Then he could not have been many minutes behind you? No.

948. Did he say anything about getting a lease from Miss Kelly? No, he did not say anything about a lease from Miss Kelly; he said he was talking about a lawsuit between Miss Kelly and Skerrett. He did not say anything about a lease of Miss Kelly to me—not at that time.

949. You were there on this day, and if a lease had been granted or given, you would have been asked to sign it as a witness? I could have been.

950. Can you remember about what time this occurred? I cannot recollect the day of the month or the month either. I know it was three or four years ago. I have not been about the Manning for two or three years. It is two years and a half since I left there, and I never troubled my head about it since.

951. Richards says, "I rode there on horseback. I held the horse three hours and a half—there was no one in the house. I could hold the horse and also sign the lease"—this could not have occurred on the day you were there? No; I am sure he never signed the lease, at least not while I was there; he might while I was down at the creek—I could not say that.

952. Did you stop at Richards' that night? Yes.

953. Did he ask you to sign your name to anything? Not that night.

954. At any time? Yes, once I signed my name to a paper he wrote in his house. Now I am here I will tell all the truth about this:—I did sign my name to a paper; he said it would ruin his family if I did not, and that he would have to go to gaol. He said, "You are a single man, going from the river, and it will ruin my family—it will save me from 'getting into prison.'" I saw that his wife and family were miserable; that they had nothing in the house—no rations. I told him that if ever I was pulled to Court I should not be able to substantiate it. He said, "You will never have nothing to do with it—but it will save you the trouble of going to Sydney." I did not wish to be brought to Court, for I had never been in a Court before, and I did not like it.

955. What was the nature of that document? I could not exactly remember—it was something about—I could not remember a single word of it, I do not believe, if I was put on my oath.

956. Did Richards ever say to you that he could imitate almost any handwriting? Yes; he shewed me one night that he could imitate two or three different hands, and I said "I wish I could write as well as you"; he was bragging about his writing.

957. Did you ever hear of Richards having got a lease from Miss Kelly? He told me he had got a lease from Miss Kelly, and he said it was Miss Kelly's roguery that wanted to put him into trouble. He said "It will do you no harm to sign this, and it will do me a great deal of good." He said his family was in great distress, in fact the place was miserable; they had no rations, in fact I could hardly get enough for my supper and breakfast.

958. You say he had no rations—was that at the time when you called with him at Miss Kelly's? No, it was after that. I went away to the Macquarie, and was away about three months, and when I was coming back I called at Mr. Richards' to stop for the night. I did not know that Richards was in bad circumstances; I thought he kept an accommodation house.

959. What was this paper that you signed? It was some sort of statement about the time I was with him at Gauget Creek, but I could not recollect now a word that was in it.

960. *By Mr. Flett:* Where do you reside now? In Sydney. 961.

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961. What is your address? 287, Castlercagh-street; you can find me at any time at Mr. Thompson's, tobacconist, in George-street; I work for him.
962. Did you ever remain upon the Manning at any time? Yes.
963. Where? I stopped at Ned Duncan's; I have been stopping at his place; you must recollect Duncan; then I worked for John Sempill.
964. Where does Duncan reside? At Carrack Flat.
965. How long were you on the Manning? I could not exactly say how long, but I dare say a couple of years if all was made up.
966. Will you object to come here another day? No, except that I am losing my time, and I earn my £1 a day; I was summoned as a witness for Miss Kelly before, and it cost me £5; I was summoned to appear at the Central Police Office; I came down and I only got £2 to pay my expenses.
967. *By the Chairman*: Did you give evidence there? No, I was not called on.
968. Who summoned you? Miss Kelly.
969. *By Mr. Flett*: Did you attend? Yes.
970. *By the Chairman*: About this cause? I do not know what it was about; it was to give evidence in some case.
971. *By Mr. Flett*: You were not called as a witness? I was not.
972. *By Mr. Garrett*: Have you had any conversation with any party about this matter before you were called here to-day? Miss Kelly called yesterday, and asked me if I would come here; she said the summons would not compel me to attend, but that it would be only justice. I said "If what I know will do you any good I will go"; but I said I made a statement before to Mr. M'Cormick on the Paterson, and I thought that ought to be enough; I think he sent it to the Court.
973. *By the Chairman*: You say you were not examined at the Police Court? No.
974. Did any person tell you you would not be wanted? I never saw any one that knew me; it was the first time ever I was in Sydney. I had an order to go to Kelly's, at the Emu Inn, to get my expenses paid; when I went there Mr. Kelly told me he was full and could not accommodate me, and I had to find my own lodgings.
975. *By Mr. Stewart*: Did you not know anything of the contents of the paper you were requested to sign? I partly knew at the time, but I told Richards if ever I was called upon to make it good I would never do it, for I could not swear to anything he had got there. "Well," says he, "there is no fear of your ever being called upon; it is all right." I was going to the diggings at the time, and I said "Very well."
976. Did he tell you what it was? He read it to me.
977. What was it? I could not recollect a word about it.
978. What was the intent of it? About the time I met Richards, when he was going to Miss Kelly's, at the Gaugot Station, to say he was there; it was never to say that I witnessed a lease or anything of that kind; he read it over to me.
979. *By Mr. Flett*: Was it not an inventory of his furniture in the house at the time? No, it was not that.
980. *By Mr. Stewart*: You were led to suppose that it was to witness to something that had occurred at a previous meeting? Yes, as far as my memory serves me, I think it was.
981. It was using your name —? It was using my name as a witness. He said he was going to send it to his lawyer, and that it would save me the trouble of going down to Sydney.
982. Whatever that document was you do not know? No.
983. *By Mr. Morrice*: Was it a true or correct statement? No; I told him so at the time. I said if ever I was brought and put on my oath I could not substantiate it; he pleaded to me his family, and said he was very miserable.
984. *By Mr. Stewart*: This must have had some bearing upon his position, and have been intended to relieve him of some of his difficulties? Yes; he said, "Miss Kelly is a great rogue and she will get me lagged," or something of that kind; I have a bad memory for things that happened two or three years back.
985. You seem to speak of the difficulties in which his family were placed? Yes, I know it was to do him good; he said it would do him good like—I cannot explain.
986. *By Mr. Harpur*: You do not know what it was you signed? No.
987. You cannot say whether he read what was on the paper? No.
988. Then it might have been a lease? I do not think it was a lease, for a lease is a printed form.
989. Of course you would be able to recognize your own signature? Yes, I think so; if I were to see it again I think I could tell it.
990. If it should be upon a lease you could recollect whether it was your signature or not? Yes; I do not recollect whether I put my Christian name.
991. *By Mr. Stewart*: Did you ever sign a document for Richards before? No, I am sure I did not sign a lease; I would not mind being put on my oath and swearing to that at any time.
- The witness having applied to the Committee for the payment of his expenses for attending,—*
992. *By Mr. Flett*: Perhaps the lady will pay you? Miss Kelly said she would pay me for my day's wages.

Miss Isabella Mary Kelly further examined:—

Miss Isabella
Mary Kelly.

26 Aug., 1863.

993. *By Mr. Garrett:* The last time you were here, you stated that you were put to £1,200 expenses in connection with that trial? Yes.
994. And you stated that you could produce the particulars of this expenditure? I have reduced the amount of the property sold. I have kept no account of what has been expended on lawyers and the payment of expenses for witnesses—three or four times I have had to come down on the trial of Richards, and this man was my shepherd, and his wife and the other witnesses all came down a distance of 200 miles at my expense, and the case was dismissed.
995. Were you the prosecutor in the case of Richards? Yes; I was determined to have him up for the forged lease. I had summonses issued at first, and after a great deal of trouble I obtained a warrant to bring him down on the charge of having forged the lease, and then the case was dismissed at the Police Office because Mr. Abbott would not produce the forged lease.
996. Do you count that as part of the expense you were put to? Yes, the whole of my losses were through Skerrett, and connected with Richards and Skerrett.
997. Have you no lawyers' bills or receipts from persons on account of the money you paid? No, I have been in bad health, and I have been subject to fits—I had one last week—and I have been unable to produce many things. (*The witness produced a number of papers.*) I have some vouchers here, but I cannot possibly remember all that I paid, and I had my house at the Manning robbed while I was at Darlinghurst, and many of my papers were stolen.
998. Have you any of the bills for expenses in the case in which you prosecuted Charles Skerrett for cattle-stealing? I do not think I have. I had to employ a lawyer from Maitland to prosecute Skerrett at Manning.
999. Have you those bills? I have not. Mr. Mullens has told you that he went to the Manning to prosecute, the Bench not being favourable to me.
1000. How much did you pay Mr. Mullens? £30 or £40.
1001. Had you any other expenses? Yes; I sent a messenger on horseback to Maitland, and I had to pay all his expenses and the expense of the horse while he remained in Maitland, and several other messengers. Then I had to go to Dungog, in Skerrett's case, with four or five witnesses, myself and horse, and I had to support all myself.
1002. What do you think the expenses would amount to in that case? Skerrett's first case?
1003. Yes? The case was postponed off and on two or three times, and then I was up here in Sydney. The case was postponed once because I was too ill to attend, and Mr. Day postponed it till I arrived there.
1004. Was that at Maitland? No, on the Manning—Skerrett was committed there.
1005. What expenses did you incur in that case? I dare say a couple of hundred pounds—my expenses up and down to Sydney.
1006. What occasion had you to come to Sydney? To see my lawyer about the case.
1007. You say your expenses were £200? I could not say exactly, but here (*referring to a bundle of papers*) is an account of the money I spent. It is all gone. Here is the account of my property as it was sold by the auctioneer at Maitland, and the money is all gone.
1008. Did you ever keep any account of these expenses? I did, but my books and papers were stolen, and all my wearing apparel, except what I had with me in Sydney; nothing was left to me while I was at Darlinghurst.
1009. *By the Chairman:* You stated on a former day when you were before the Committee, that you did not get fair play from the Bench of Magistrates at the Manning? Yes.
1010. Can you particularize any case or cases that you can remember? When I sold my cattle to Begbie and Cooper, I offered £50 reward for the apprehension of any parties who had branded any of my cattle, as some of my cattle had been branded previously to their purchase.
1011. Branded by whom? By a man of the name of Robert Sorrell.
1012. Was he brought before the Bench? He was, by Messrs. Begbie and Cooper, and my stockman identified the cattle, but Mr. Flett dismissed the case.
1013. Was your brand on them? Yes, and Robert Sorrell's.
1014. You complain of the Bench for having dismissed the case? Yes, as it was fully proved.
1015. On what ground was it dismissed? That it was a case of trover or something.
1016. *By Mr. Flett:* Have you the depositions? No.
1017. Were you in the Court yourself? Yes.
1018. Was there any other Magistrate present besides me? You were the principal.
1019. Why was I the principal? You took it all upon yourself.
1020. *By the Chairman:* Who else was on the Bench? (*To Mr. Flett*) If I really speak plainly, you bounced them all about it.
1021. *By Mr. Flett:* Will you speak the truth? I state nothing but the truth. Then there was another case:—Seven of my men were taken up on warrants granted by the Sydney Bench; they were handcuffed, and were to be brought down to Sydney, on a charge merely of protecting my cattle and property.
1022. *By Mr. Harpur:* Were they so brought to Sydney? They would have been, only the other Magistrates would not allow Mr. Flett to forward them on to Sydney, whence the warrants were issued.
1023. *By the Chairman:* Who were the Magistrates on the Bench along with Mr. Flett? That I cannot say—I do not know.
1024. Were the men sent to Sydney? They were not—the other Magistrates overruled him. They said the men were to be tried where the offence was committed, and that the case should be heard by the Manning Bench.

Miss Isabella 1025. Have you any other cases? Yes. There was a side-saddle that was sent me out from Mary Kelly. England. This saddle, when I unfortunately could not attend to my own affairs, and I was sent to Darlington—^{26 Aug., 1863.} it was left with a storekeeper at Manning River, who lent it to almost every one in the place who asked for it, until it was nearly worn out. It had been mended two or three times. I summoned the storekeeper for the amount, and when the Court was to sit there was a flood, and the river was bank high; and as I could not cross, I could not attend. The only Magistrate on the Bench was Mr. Flett (the other Magistrates could not attend), and he dismissed the case.

1026. *By Mr. Flett*: For what reason? Because I could not attend.
1027. Were you the prosecutor? Yes.
1028. Was there any other Magistrate present besides myself? There was no other Magistrate; they could not attend, because the river was up.

1029. *By Mr. Morris*: How do you know that Mr. Flett was the only Magistrate there if you were not present? I heard it; I went to the Clerk of the Bench, and he told me.
1030. *By Mr. Flett*: Was it before the Small Debts Court? It was.
1031. You sued him for the amount of the saddle? Yes.

1032. Was it under £5? £10.
1033. Was it under £10? I think it was £10.

1034. Have you any other charge to make? The district constable came to me, about the time that I brought this case of the saddle into Court, and said, "Miss Kelly, I can tell you where a horse of yours is, which was stolen from you—will you come in the police boat and identify it? I have three witnesses who can prove that it is yours. The man thought he had defaced the brand, but it can be proved that it is yours. It was stolen from Manning Flats by a man of the name of Ladd, who has now got two years for stealing." I said in return, "What is the good of my going to look after anything that is stolen? I will get no satisfaction at the Bench. Let the horse go." So I never went after the horse. Then Kennedy gave me information of another horse, and I said, "I will never go before that Bench while I live, so let them steal away!"

1035. *By the Chairman*: Have you any other case? I do not remember.

1036. You stated in the evidence you gave before the Committee last session, that a man of the name of Avery killed some of your cattle on Mr. Flett's property, after Skerrett was committed for stealing them? Yes.

1037. Did Mr. Flett know that Skerrett was committed at the time? Yes, every one on the river knew it.

1038. You are satisfied that he knew it? Yes, perfectly satisfied.

1039. He, being a Magistrate of the territory, allowed these cattle to be killed on his premises, knowing them to be stolen? Yes.

1040. You have no doubt of that? No.

1041. What was done with them after they were killed? I heard that the beef had been taken in a boat to a place called Tinoona—that Avery took the beef in boats.

1042. *By Mr. Flett*: Was it in my stockyard they were killed? I only go by hearsay.

1043. I will not go by hearsay? You told me yourself.

1044. Did you ever hear that I had a tenant of the name of Blyth? Yes.

1045. You are aware that I have a number of tenants? I know that you have a good many.

1046. Did you ever hear that these cattle were killed in Blyth's yard, at a distance of two miles from my place? It is in sight of your house—the river winds a good deal there.

1047. Did you ever hear that the cattle were killed in Blyth's yard? I heard that some were. I heard my working bullocks were killed there.

1048. The cattle that you spoke of just now, that you say were killed on my premises, were they not killed in Blyth's yard, over which I had no power? I can only say what I heard. I know I went to Blyth myself about my working bullocks; that was long after Skerrett was committed.

1049. Did you ever hear, that when it came to my knowledge that he had brought the cattle to my paddock, that I ordered the servant to take the rails down and let them out on Sunday morning? I never heard that.

1050. *By Mr. Arnold*: How far do you live from Mr. Flett? Mount George is twenty-four miles from Mr. Flett's, I think—I do not exactly know the distance; when I lived at Brinbin I was only eight miles from Mr. Flett.

1051. *By Mr. Flett*: It is five miles? No, eight.

1052. That is the place you leased? Yes; Mr. Hall, the surveyor, said it was eight; it may be only five or three—that is nothing.

1053. *By the Chairman*: Are you aware whether Avery ever bought any cattle from Skerrett before Skerrett was committed? The only cattle that was purchased from Skerrett previous to his being committed, was bought by Charley Turner—he bought eight or nine of my fat cattle. It was upon these cattle that I had the warrant issued for Skerrett.

1054. Then, according to what you say, Avery purchased these cattle from Skerrett after Skerrett was committed for stealing them? They were slaughtered long after, for he sold them to Turner, on which I got the warrant, and apprehended him immediately.

1055. Did Richards ever ask you for a lease of this paddock? He asked me for a lease of this paddock, and I gave it him according to promise, and a lease was drawn out by Mr. Mullens.

1056. Is that the lease that is in dispute now? No, the lease that I gave to Richards had expired, and he never paid me sixpence of rent. The other place that I sold to Messrs. Begbie and Cooper, Waterview, and when I sold that forty-three acres, together with the paddock and stockyard to Messrs. Begbie and Cooper, I was going then to live at Mount George, and I could not let Richards have a lease of the paddock, as I had no other place in which to muster my horses or stock.

1057. Could you have mustered at Waterview if you had remained there? No, for my horses were chiefly at Gauget Creek, at a place I rented from the Company. Miss Isabella Mary Kelly.
1058. How was it you were able to let Mount George previously? Because I was living at Brinbin, and I had plenty of stockyards and paddocks there. When the lease expired I wanted to go back to Mount George, and I gave up Brinbin, and previously to leaving Brinbin I bought forty-three acres at Waterview and put up a stockyard there. 26 Aug., 1863.
1059. So long as you had Brinbin and Waterview could you let Mount George? Yes.
1060. After that could you have carried on your business without the latter place? I had not a place to put a horse, or a stockyard to muster them in; and I then made an agreement with a man named Patten who is living there still, to put up a seven or eight stalled stable.
1061. There is a paper here dated Manning River, September 16th, 1859, and signed Reuben Richards, which you sent to me some time ago. (*Handing the same to the witness.*) How did you become possessed of that paper? It was sent to me to shew his handwriting.
1062. And you forwarded it to me for that purpose? Yes.
1063. Here is a paper dated Manning River, September 5th, 1859, directed to Mrs. Cooper and signed Reuben Richards, which I also received from you—for what purpose did you get that paper? To prove to Richards' handwriting.
1064. Here are some papers handed in by Mr. Flett—Will you look through them and say how you parted with those documents—(*handing a number of papers to the witness*)? There never was a document of these out of my hands.
1065. Did you ever part with any of them? Never.
1066. There is one a pass to a Government man, what is the date of that? 1840.
1067. To whom did you part with those papers? Not a single paper of them had any right to be out of my possession, for all these little things were in my possession.
1068. In your box? In my box where I keep all my papers, my letters, accounts, and journal; and they were taken away when I was at Darlinghurst.
1069. These you had along with your private papers in a box? Yes.
1070. This box was left, where? At Waterview.
1071. At your cottage at Waterview? Yes.
1072. When you were convicted and sent to Darlinghurst? Yes.
1073. And these papers were then in your possession? Yes.
1074. How did these papers come out of your box? I do not know.
1075. Have you ever got your box since? My box was broken open, and these papers were taken out.
1076. These papers were taken out of your box, and brought up here in evidence against you? No doubt of that; I never heard of such a thing as that before.
1077. Can you remember in whose possession this box was when you were committed? It was locked up in my own place; I locked up all my places.
1078. Who got possession of your house? I cannot tell anything about that.
1079. This is a portion of the robbery that was committed upon you while you were at Darlinghurst? Yes.
1080. You were speaking of Richards and this former lease—Did he ever pay you any rent for that property? Not a shilling of his money did I ever see for Mount George.
1081. Mr. Abbott produced a paper, purporting to be a receipt from you to Reuben Richards, for rent up to a certain period—did you ever receive that? No, not a sixpence, and Mr. Mullens sued him for £50 for me.
1082. This receipt was not produced in evidence against you in Court—Did you ever give him a receipt? Never.
1083. Then this receipt you consider was forged as well as the lease? Yes. This paper has been filed. I had two files of papers heaped up in my box when my place was robbed. There was a lease in it, a copy of one I had given to Dan Purcell, it was not signed, and they got possession of that at the trial.
1084. That lease was also brought up in evidence, was it? Yes.
1085. So that having a lease in your handwriting, they could copy another from it? Yes; for when the lease was left with me I copied it, so that I might be able to draw out one when I wanted.
1086. *By Mr. Garrett*: For what object was that lease? It was a lease I gave to Purcell, of Mount George, long before Richards went there—long before Skerrett's case.
1087. *By the Chairman*: Has any one threatened to take you before the Bench of Magistrates, and said what they would do to you? Yes, my servant has threatened me with that often—"I will take you before Mr. Flett."
1088. What was Mr. Flett to do to you? I do not know; he was spiteful to me.
1089. Have you any papers to hand in to the Committee? I will hand all in, and you may make what use you like of them. (*The witness produced a number of papers.*)
1090. It was proved in evidence that Skerrett had told Andrews that he had paid you for your cattle in £100 notes, some of them on the Melbourne Bank, some on the Maitland Bank? The Commercial Bank.
1091. You produce a paper here headed "Van Diemen's Land"—(*referring to one of the papers produced*)? Yes.
1092. This purports to be a Commissariat order for £100? Yes; after Skerrett was sent to Cockatoo, his children were playing in the garden with a number of them, and I took three or four of them from the children.
1093. That is a Commissariat order for £100? Yes, the children had a handful of them. Yes, and they had also promissory bank bills printed.
1094. These were documents that might be used by Skerrett to deceive? Yes, persons who were ignorant of the meaning of them.

- Miss Isabella 1095. They might be shewn as real money? Yes.
 Mary Kelly. 1096. *By Mr. Garrett*: How did you become possessed of that Treasury bill? I got it from one of Skerrett's children.
- 26 Aug., 1863. 1097. Was that while Skerrett was in confinement? Yes.
 1098. You took it from the children? Yes; I saw one or two lying on the verandah, but I did not think they were of any consequence; some of them were more like bank notes—they were promissory bills—I could have had a handful of them if I had thought proper to take them, but I did not think them of any value.
 1099. *By Mr. Harpur*: You refer to these proceedings which took place at the Manning Bench, as having some connection with these long continued and successful attempts to injure you, to which you allude in your petition—it is in connection with Skerrett's attempt to injure you that you refer to these proceedings? Yes.
 1100. What reason had you to think you would not get justice from the Manning Bench of Magistrates? They were spiteful against me.
 1101. How many were there? Mr. Croaker, Mr. Hawthorne, his father-in-law, and Mr. Flett.
 1102. Is Mr. Flett the senior Magistrate? I think so.
 1103. Does he take the part of spokesman? Yes.
 1104. *By Mr. Flett*: Were there not eight Magistrates on the Bench? Yes, I think there were.
 1105. *By Mr. Harpur*: Does Mr. Flett generally act the part of president? Yes.
 1106. You took Mr. Flett to be the leading Magistrate—whether the senior at the time or not, he took a leading part in the proceedings? Yes.
 1107. He was the spokesman—delivered the sentence or expressed the opinion of the Bench? Yes.
 1108. In the cases you have alluded to to-day? Yes.
 1109. Has there ever been a Police Magistrate at the Manning? Mr. Day used to come from Port Macquarie once a month at one time.
 1110. Do you think a Police Magistrate needed in that district? Decidedly; I think there will be no justice till there is a Police Magistrate.
 1111. Is that the opinion of many besides yourself? It is. I wish particularly to call the attention of the Committee to one case. I hired a stockman of the name of John M'Kinnon, and I advanced him £3, which he, in the presence of a lady now here in Sydney, told me to enter against him. When he was leaving me, I told him to make out his account, and to deduct the £3 I had advanced him; he said he would not, but that he would charge me with the £3. I asked him what did he mean by that, for I had all his expenses to the river to pay besides. However, he brought it up before Mr. Flett; and as I was obliged to come up to Sydney on business, I lodged the balance due to M'Kinnon in the Court with the clerk. Mr. Flett gave the case against me, and I lost the £3. I had no justice in that case. When I said to the man, "I have your receipt for £3," he said "I will take you before Mr. Flett."
 1112. *By Mr. Garrett*: You did not appear to defend the case? No; I went to Mr. Flett before I came to Sydney, and told him I had a receipt for the £3.
 1113. That statement was not made in the Court on oath? No; I said I was going to Sydney, and that I had a receipt for the money. Mr. Flett said he was a respectable young man, and that he had got a letter in his pocket telling him that he was to get £70 a year up the country as an overseer. This same man had been up for a mail robbery. Mr. Flett was very angry with me, and made very light of it.
 1114. *By Mr. Flett*: Were there any other Magistrates upon the Bench besides me at the time this decision was given against you in the case of M'Kinnon? I do not know; I heard you were the Magistrate who gave it against me.
 1115. *By the Chairman*: Was Richards ever brought before the Bench at the Manning for being connected with a mail robbery? Yes.
 1116. What were the circumstances under which Richards was brought before the Bench? He was tried for attempting to cash a cheque drawn by the Bishop of Newcastle in favour of the Rev. Mr. Newman. This cheque had been stolen, and he went to get it cashed. Mr. Flett said, before the Court, that Reuben Richards was a perjurer, and was as guilty as the man they had just then committed.
 1117. How did Richards get out of the charge of attempting to pass this cheque? I do not know.
 1118. *By Mr. Garrett*: Was Richards, to your knowledge, ever charged with passing this cheque? He was decidedly.
 1119. Who sat on his trial? Mr. Flett, I believe.
 1120. Do you know that of your own knowledge? I was not present; I heard it.

MISS ISABELLA MARY KELLY.

APPENDIX.

(To Evidence given by R. P. Abbott, Esq., 16 July, 1863.)

A.

RICHARDS v. ANDREWS.

Wednesday, 30 May, 1860.

Mr. Stephen opened the pleadings.—Sir William Manning, Q.C., stated the plaintiff's case.

Reuben Richards: I am the plaintiff in this cause; I reside on the Manning River; I lived once at Nelson's Plains, on the Hunter; I know Miss Isabella Mary Kelly; she came to my house at Nelson's Plains, in May, 1855; three or four weeks after she came again; she came repeatedly afterwards; I entered into an agreement with her for the purchase of land; I went to Mr. Mullen, and had an agreement drawn out; (*looks at paper, 6th May, 1857*) that is signed by me and Miss Kelly; that is the agreement; I signed this and went to the Manning River; I afterwards made an arrangement with Miss Kelly about a house and paddock; it was put into writing (*looks at paper*); I afterwards arranged with her by writing about the Mount George paddock; (*looks at paper*) that is all in her handwriting, but my signature (*paper read, 19th September, 1859—lease for nine years*); I was in occupation of that under Miss Kelly; I occupied also Mount George House; I continued to occupy the paddock, after my signature to the document of 19th September, 1859; I took possession in May, 1858; I put the fence in repair in 1858; the fence got out of repair in some places; I repaired that when I got the lease; defendant is a Magistrate; his land adjoins that paddock; he lives within a quarter of a mile of me; I had differences with the defendant, about his pigs and cattle trespassing on Mount George (2) paddocks; I hold another paddock; I asked defendant to remove his pigs, as I wanted the grass for my mail horses; defendant said he would remove them; he had them driven off; that occurred repeatedly; I sent defendant a notice "that if he did not remove his pigs I'd bring an action"; that was about the 24th October, 1859; he at once removed his pigs; he did not sell them; they came back; next day I asked him to sell his pigs or fence them in; he said he would sell them, as he could not fence them; I did not impound them; I had frequent conversations about the trespass; we disagreed at last, at the beginning of November; I threatened an action; defendant said, "You had better be careful what you do, as you'll have some difficulty to prove Miss Kelly wrote the lease"; he said, "If you take proceedings, I'll say it's a forgery"; I said, "You know it is not—I am astonished you should make such an imputation, as you are the father of a family"; defendant said Girard intended to have the paddock for Miss Kelly's horses, as he could not do without it; he said, "I am sure Miss Kelly will swear it is a forgery, as it is impossible for Girard to muster cattle without this paddock and stock-yards"; I told defendant, "I shall act on my lease, and commence proceedings against you"; I went away; I used to put defendant's cattle in my yard, and sent a man with a note to defendant to come for them; defendant said he would prosecute me for unlawfully driving cattle about his paddock; defendant told me that if I wanted to bring proceedings I was to charge damages, and he'd pay me, if I would give a receipt, and then he'd prove the lease to be bad; the same day (in November) I put defendant's cattle, about thirteen or fourteen, in my stockyard; that was before the 13th November—before first proceedings at the Police Office; I wrote to him to take them out, and to pay me 3d. per head; his son paid me this money, and I gave him a receipt; I appeared at the Police Office; defendant appeared also; he summoned me there; I afterwards took proceedings against defendant; I appeared against defendant at the Police Office last December—the 7th, I believe; I gave evidence against him; Andrews was not on oath when he said what I complain of; the Magistrates asked me to produce the lease of the 19th September, 1859, of the land on which I had taken the cattle; I began to untie a bundle; the lease was in it; I said nothing then; defendant said, "If he has got a lease it is a forgery"; a Magistrate said, "Stop till we see it"; defendant said, "I will swear it is a forgery (while I was getting it out), because Miss Kelly told me so"; I gave the Magistrates the lease, and asked them to swear defendant to it; the Magistrates read the lease; defendant said, "I still say it is a forgery"; one of the Magistrates said, "Mr. Andrews, I am astonished at your conduct, that you should swear the lease a forgery when you have not seen it"; after they read the lease they were giving it back to me, and defendant asked to see it; a Magistrate asked "are you willing to give it up to Andrews to see it"; I said, "I had no objection to Andrews seeing the lease, but I look to the Magistrates to be responsible, if they give it into Andrews' hands"; defendant looked at the lease, held it up, and said, "I still pronounce it a forgery [defendant gave it back to one of the Magistrates], and will insist on the detention of the document, or the apprehension of the forger"; they were handing the lease to me, and defendant said, "A damned piece of ignorance I ever saw, to give a forged document to the forger, and allow him to destroy it"; I said, "No fear I should destroy it; I'd go that day to Sydney, and bring an action"; defendant then said, "I still insist on the detention of the document"; the Magistrates asked me if I objected to give it up; I said, "How can I enter an action against Andrews if I give up the document? He has possession of my land, and you have my lease, and I have nothing to shew"; the Magistrates said, "We will be responsible for the document, and will give it to you or your solicitor, when called for"; I gave the lease to the Magistrates; defendant had before stocked my land with his cattle, and said if my servants drove out the cattle he would prosecute them for unlawfully driving his cattle; that was after the time I took out the summons against him; defendant's men took down my fence about 23rd October, on a Sunday; I followed them to his house; I spoke to the men in his presence; I asked them why they broke down my fences, and allowed my entire horse to run among the mares; they said, "If you are not off we'll pull you off your horse, and beat you"; defendant laughed at that answer; I went away; defendant's men and others, next day, broke down my fences; I told defendant often I found the fence broke down by my side line, and asked if he had done it, or his men, to his knowledge; defendant said, "The paddock is more mine than yours, because it was Miss Kelly's," and ordered me off his premises; there were other conversations between us to the same effect; defendant said, "Miss Kelly wrote to me and asked me to take charge of the property, and to assist Girard to get you out of Mount George altogether"; (*looks at two papers*) I believe the signatures are defendant's writing; at the fence of Mount George paddock, in defendant's sight, Girard got off his horse, and pulled down the fence; I was holding the fence; Girard pulled down the fence, and went round some horses to drive them into the paddock; I got on one of my horses, and stood in the gap they made in the fence to prevent the horses going in; my servant was watching proceedings by my orders; when the horses would not pass by me through the gap, defendant tried to get the horses in and I to keep them out; when all was over, defendant and his children went to his house; then Girard and

his

his boys went to defendant's house; in twenty-five or thirty minutes I got those documents in my house; after I left the lease with the Magistrates I went to Sydney; some days after I came back I got another summons; (*looks at a paper*) this is it (*summons read, 29 December, 1859*); (*looks at another paper, 13 December, 1859*) I received that; I did not appear on that; I did not appear before the Magistrates in obedience to the summons of the 29th December; I asked for a postponement as I was going to Sydney; I got the lease back from the clerk before the prosecution for forgery; twenty rods of fence were broken down before the action was commenced; thirteen or fourteen mail horses of mine depastured in the paddocks; the paddocks were splendid grass land; fifteen or twenty acres of grass; the paddock at that time would keep forty horses—horses eatage then worth 2s. a week; I was deprived of the paddock in the spring of the year; it was trespassed on from the beginning of November till the 17th of January, when the action was commenced.

Cross-examined: I knew Charles Skerrett; I have heard he was mixed up with Miss Kelly; before this lease was made, viz., in 1858, I occupied the whole farm; in March, 1858, I had a written lease of property, not including this paddock, and she leased the paddock at the same time verbally, as compensation for losses I sustained in coming from Nelson's Plains to Mount George; she told me to fence it round but not to pay rent, and I was to have it till she got a better tenant; I repaired the old fencing; one of my brothers and Thomas Colman helped me to put up the fence; when I first took the paddock defendant's stock used it; I did not tell him for he was present when Miss Kelly gave it to me; the paddock was not included in 1858, because she wanted too much rent for it, and she might want it to have his horses mustered in it; I occupied the paddock till the lease was prepared; I took a lease because she threatened to have me out of the whole farm; (*looks at a letter*) it is Miss Kelly's writing; it came by post; I saw her after I got this; two or three weeks after; I saw her often after getting this letter, and before receiving the lease; sometimes with Lane; she sent Lane away once, as she wished to speak privately with me; I got this lease at her station on Monday, the 19th September; at her station, between 12 and 4 o'clock p.m.; there was no one present when I got the lease; I rode there on horseback; I held the horse three hours and a half; there was no one in the house; I could hold the horse, and also sign the lease; I never tried to imitate another person's handwriting; (*looks at a paper, 1-A*) the body is my writing, and the signature; the names "Baines" and "Frances Anne Richards" are not mine; Frances Anne Richards is my wife; (*looks at signature to another paper, 1-B*) I think the signature is not mine; (*looks at the body*) the whole is my writing; the flourish is not mine; (*looks at a 3rd, C*) the signature is like mine; the body of this, I think, is mine; I have different ways of signing my name; I don't sign with a flourish oftener than not; (*looks at another paper, C*) that is not my writing; (*looks at another paper, D*) that is my signature; the body is not mine; (*looks again at C-1*) I don't know whose writing that is; (*looks at another, E*) I don't know whose writing that is, either to the body or the signature; not like my wife's writing; (*looks at another, F*) that is not my writing; (*looks at the two signatures and the body*) I don't know who wrote any part of that letter; (*looks at another, G*) that signature is not mine; (*looking at body*) I think I wrote that note and signature; (*looks at another, H*) that is mine; (*looks at another, I*) I wrote that; (*looks at another, K*) Miss Kelly told me to alter my style of signature, as mine was so simple, any one could imitate it; in paper K the signature is not mine; (*looking at*) I say it is not my writing; I employed T. J. Baines to serve notices on defendant, not to write them; (*looks at paper L*) that is mine; (*looks at paper M*) that is my writing; (*looks at paper N*) my writing, I believe; (*looks at paper O*) I think that is my writing, I believe; (*looks at paper P*) I think it is not my writing—I swear it is not; (*looks at paper Q*) not my writing, I swear; my wife is at home at Mount George; I can't swear to my wife's writing; I don't believe this paper Q is her writing; I never tried to imitate other handwritings; I don't think I ever said Miss Kelly would find it difficult to prove my writing; I wrote to Andrews that there would be no difficulty to prove my writing; I know David Baxter; he came to my house once; I talked with him about Miss Kelly's lease, shortly after the lease; Miss Kelly summoned Joseph Giles, and I heard him say nothing about him; I did not tell Baxter Miss Kelly would have any difficulty to prove my writing; I did not shew specimens of writing, particularly Miss Kelly's; I did not say I could imitate Miss Kelly; we spoke of no handwriting; my wife must have been present at this conversation; she was in the house; she did not say "take care or you'll be another Skerrett"; I know Phillip Dew; all I now write is in my usual style.

[Case adjourned at half-past 5 o'clock, until to-morrow.]

Thursday, 31 May, 1860.

Reuben Richards (continued):—The signature "Reuben Richards," in (A) is my signature; and "Anne Richards" is my wife's signature; I saw her write it; the body of the paper was written by me; I am not aware of any notices sent to defendant not in my writing; (*looks at notice R—looks at notice S—looks at notice T—looks at notice U—looks at notice V*) all my writing, both body and signatures; it was arranged with Miss Kelly that I should call on the day I did; she then had a draft of a lease written by me; I had in company with me then Nicholas Binkie; she had promised to have a witness there, but had not; I therefore did not wish to have her signature alone; she copied my draft and signed it; (*looks at paper W*) this is the draft; she signed that; she did not exactly copy my draft; the postscript on my draft was added before I left home—before Miss Kelly signed her name; I did not tail on P.S. to my agreement, because it was a separate affair; I know Phillip Dew; he was at my house after the lease was signed; I wrote the memorandum on the Sabbath, 18th September—this is dated the 19th; I gave Dew another copy of the lease; (*looks at paper X*) this is it; I shewed it to Dew, because he asked me if I had a lease; he said Andrews told him to get timber out of the paddock; the paper I first shewed Dew was not written on both sides; I also shewed him a paper written by Miss Kelly; I cannot say, if on the same occasion Dew said, "Andrews was astonished when Dew told him I had a lease," and that Andrews said, "I have turned my cattle in the paddock and I must prevent a forgery, if he has one"; I did not shew Dew a paper signed by Miss Kelly, on the second page, dated 21st September; he did not say that the 21st September was the day Miss Kelly left the Manning; I did not ask Dew, "Do you think it is a forgery?" he did not say, "I can't say, but the writing is heavy for a lady's"; I did not shew him an unsigned paper and say, "Miss Kelly has copied that"; I might have told him afterwards how Miss Kelly copied my draft; I did not ask Dew if he thought it like Miss Kelly's writing; I know Timothy Lane; he was in charge of Miss Kelly's stock; I did not see him repairing the fence of the paddock; I saw him repair the stockyard; a separate fence is not close to the paddock; a few days before October 10th; I had no conversation with Lane on the ground; at my house he told me, "Miss Kelly has given me instructions to repair the paddock fencing, but she left me without rations"; Lane said I should be made to pay 5s. each for horses running at Mount George Estate; afterwards he said, "Miss Kelly would try to make me pay"; I said, "Miss Kelly made me a lease since our last conversation"; Miss Kelly was then in Sydney; I swear that was before her conviction; it was after her committal; I did not tell Lane I was willing to give 5s. a week for it; I did not say that I had offered Miss Kelly £10 a year for it, and she would not take it; I did not say, "I'd give £15 a year for it, as I could make £25 by it"; I did not tell Lane "I hear 'Miss Kelly has been convicted, and if so, I have a right to the paddock'; I did not tell Lane he should take care of the grass for me, as Miss Kelly has given me notice that she will charge 5s. a week for each horse; I did not say to Lane, "I hope you will be away, because then there will be no witnesses against me."

Re-examined: Miss Kelly originally verbally rented me the paddock for an accommodation house; I was to get a license for it; it is near to the paddock; before this lease I had a quarrel with Miss Kelly; (*looks at paper Y, 24th August*) I got this letter from Miss Kelly; I met Miss Kelly on the Manning Flats in May; she quarrelled with me before May; on the Manning Flats she told me she had

had let it to me to prevent defendant's cattle and pigs trespassing on it, and that I was very intimate with Andrews, and his pigs were running in the paddock, as usual, and therefore she would try and put me out of the property altogether; she went to Sydney a week afterwards, and was charged with perjury; I said, "Go to Sydney and do your best; I have only a verbal lease"; she said, "I won't take part, I'll get the whole" (*letter Y handed to the Jury*); I met Miss Kelly at her station on the Saturday, when I arranged to come on the Monday; on the Wednesday before, as I was passing, she said, "I am willing to give you a lease of the disputed paddock, but I hope you'll influence your wife to contradict her depositions in 1854, in Skerrett's case"; I stayed there an hour and a half; Miss Kelly said, "Your wife will be exonerated from blame if she'll swear she was afraid of her life of Skerrett"; she said, "I'll give you a lease on Saturday, as you come by"; on Saturday, about 12, I saw her and Lane together; she told Lane to stand aside; she said to me, I am very ill and not able to write, but if I would get the lease written out by Monday, she would sign it, and have a witness; nothing said in first lease about the timber; on Sunday I made out two copies of the lease—one for each to sign—that had been arranged; Miss Kelly kept the copy signed by me; we had a dispute; she said she'd write it all herself, and every one would know her writing; Baxter is not an intimate friend of mine; he once called at my accommodation house; on Monday Miss Kelly said, "It is not necessary to sign the memorandum about the timber"; I said, "If you don't agree I'll have it off—if you agree to it, sign it"; she then agreed to it, and copied both; Dew is a stockholder in my neighbourhood; he very seldom came to my house.

Cross-examined: I had no quarrel with Dew, Lane, or Baxter.

Henry Flett, M.L.A.: I am a Magistrate on the Manning River; I was on the Bench when a complaint, "Richards v. Andrews," was heard; it was a case of trespass under the Impounding Act; plaintiff was asked by me if he had a lease; he said, "Yes"; I said, "Will you produce it?" he said "Yes"; plaintiff began to undo some papers; defendant said, "If he has a lease, it is a forgery"; I said to Andrews, "I am surprised you, a Magistrate, should say so before you see the document—how do you know it is a forgery?" defendant said, "I had information from Miss Kelly that she had not given plaintiff a lease"; plaintiff handed in the lease; defendant asked for it; he was then the defendant on the floor of the Court; plaintiff objected; defendant said, "I'll return it"; the lease was put in defendant's hands; he looked at it for some time; I said, "Andrews, you have had it long enough—pass it to me—what do you think of it?" he then stated, "It is an impudent forgery"; I looked at the lease at the window, and I said, "It is Miss Kelly's signature, and the whole document is written by her"; afterwards, I was giving the lease to plaintiff, and defendant asked me to impound it; I gave it back to plaintiff; Andrews used strong language; we asked for the lease; plaintiff gave it back to us on condition we should give it up, if he required it for an action of slander he intended to bring against defendant; the lease was left with the Clerk of the Bench; Mr. Abbott, the plaintiff's solicitor, wrote for the lease; I gave it to the plaintiff (*information for forgery read*); Andrews appeared in Court that day, also Mr. Cross; Andrews did not go on with it; we made no adjudication on it; no evidence was gone into; the case was discharged from the paper; because the lease had been sent to Sydney the Magistrates said, "There was no evidence—the document was away."

Cross-examined: The information was dated the 22nd December; I gave up the document after that information; defendant had not said before I gave the lease that he intended to prosecute; I have had no political differences with Andrews; on the information for forgery Andrews used strong language; when the lease was not forthcoming he said that I had acted most improperly by giving up the document—I was cloaking a felon—allowing a felon to escape, and he was prepared to prove it—it was a damned forgery; I afterwards called defendant to order, and stopped him, and told him I was in the chair and I should call him to order; I have no bad feeling towards Miss Kelly; Mr. Cross was then on the Bench; it is usual for the clerk to make entries of proceedings; I don't think there is a record of the forgery case being struck from the paper; I think I said publicly, "The case is discharged from the paper"; I won't swear it; the case was called on; as there was no evidence it was discharged from the paper.

Re-examined: The lease was with the Court a month before Mr. Abbott sent for it; I knew of no charge of forgery till I went to the Court, when the forgery case was called on.

[Summonses signed by defendant handed to the Jury.]

[The third count considered as amended by adding that the prosecution was determined.]

[A plea in traverse considered to be pleaded.]

John Joseph Baines: I have lived with the plaintiff seven months; he got me to witness a paper for him—one he gave to Girard; (*looks at paper A*) this is my signature; I was then at Mount George; plaintiff and his wife wrote the other two.

MR. DARVALL called—

Phillip Dew: I live on the Manning River, and am a stockholder; I knew the plaintiff for three years; I have been to his place a few times; I was at his place on the 22nd November, 1859; I then had a conversation with plaintiff; we talked of a lease he got from Miss Kelly; plaintiff asked me into his house to see a lease he had; he shewed it to me, and asked if I knew whose writing it was; he read it to me; it was signed Isabella Mary Kelly on the second page; he said, "I got the lease the day Miss Kelly went down to Sydney for her trial"; I said, "That was on the 21st September"; plaintiff said, "I'll shew you a copy of the lease"; he shewed it me and said, "I wrote this, and Miss Kelly copied this lease from mine"; I said, "I am surprised Miss Kelly did not sign this instead of writing out another"; plaintiff said, "No doubt there are parties who will try to prove my lease a forgery"; plaintiff said, "What would you think of it?"; I said, "I think it looks heavy for a lady's hand"; I said, "I should have liked it better if Miss Kelly's signature had been at bottom of copy, instead of the other"; no signature to the copy; I told plaintiff, "It always takes two people to make a bargain"; plaintiff said, "One thing is certain, Miss Kelly would not be allowed to take her oath on that lease—and if so who is to prove it a forgery?"; Miss Kelly had been then convicted; that was then known up there; plaintiff never mentioned anything about a lease to me, till that day; plaintiff said, "Miss Kelly proposed writing out her own lease"; the copy not signed was a cream-coloured paper; the lease was on blueish paper; a paper said to be signed by her, and Miss Kelly's signature on the second page; both names were at commencement of the lease; I won't swear whether or not there was a signature at the bottom of the first page; (*looks at lease*) it does not look like what I saw before; I don't remember the signature on the first page; on the one I saw only "Isabella Mary Kelly" on the second page; "Reuben Richards" was not on the second page; I afterwards talked with plaintiff at my place after he commenced this action; he said, "What day was it that I told you I got the lease?"; I said, "The morning Miss Kelly left the station for Sydney"; plaintiff said, "That was a mistake, it was on the 19th I told you"; I said, "Not so, unless she left on the 19th; plaintiff moreover said, "It makes no difference as long as it was only to me I said it"; I said, "I think the lease will get you into trouble, from what I hear people say; I advise you not to shew it to anybody"; he said, "Miss Kelly won't be allowed to take her oath about it, &c."

Cross-examined: I spoke to the defendant about the lease after I saw it; Miss Kelly was convicted of perjury in swearing some writing was not hers; I don't recollect his reading date the 19th; he read it twice; (*looks at lease*) I won't swear this was not the paper shewn to me; (*looks at X*) I won't swear it is or is not the copy plaintiff shewed me; to the best of my belief I never saw the papers W or X before; on 22nd November plaintiff said, "There was a man passing the station at the time—a tobacconist; I wished the man to stop to witness the lease I got from Miss Kelly"; I said, "A pity you had not a witness—that would have stopped all this trouble"; he said, "Miss Kelly wrote all the lease herself"; I have had conversations with Andrews about this lease; I told Andrews he'd

he'd be ruined over this affair, if he did not look over it; Andrews did not say so; I never said he did; I did not say to Mr. Flett and Mr. Stephenson that I had seen the lease, and that it was a genuine one; I told Mr. Flett I had seen a lease that plaintiff had of the paddock, and that I cautioned Andrews to be cautious what you are about, or he'll ruin you over that affair.

Re-examined: I was called by the Crown at Miss Kelly's trial; Charles Skerrett told me, "Richards has a horse in Miss Kelly's paddock, and after a time you'll see something go forward"; this was before I spoke to plaintiff; I cautioned Andrews because plaintiff said he'd knock some £500 out of him.

Cross-examined: He said so when I advised him not to shew his lease; he then said, "I'll bring an action against Andrews"; Skerrett was convicted on Miss Kelly's evidence, and she was convicted on his.

By a Juror: Plaintiff spoke to me about the lease, in the paddock, before I went into his house.

David Baxter: I am a settler on the Manning River; I know plaintiff and defendant; I called on plaintiff for letters on Friday, September 23rd; I then talked with plaintiff; I went into his house; Miss Kelly's trial was coming on; we talked of Skerrett and Miss Kelly; plaintiff said, "There is a letter between her and me about this business of Skerrett, and it would be a bad job for her to prove it, for I can alter my hand—I can imitate any handwriting"; he wrote her name on a paper several times; he wrote my name there; he said, "The only thing I am deficient in is spelling"; he imitated mine very well; his wife came in and said to him, "You're a fool—you know nothing about him—you'll make yourself a second Skerrett"; plaintiff told her to go and mind her own business; he shewed me part of Miss Kelly's letter telling him how he gave his evidence in Skerrett's case; (*looks at "Isabella Mary Kelly" in lease*) not like the writing I saw him execute; plaintiff said, "I never write twice the same way"; besides names he wrote what he called a lady's hand; (*looks at F*) that is something like the lady's hand he shewed me; he shewed me a signature on a letter from Miss Kelly; it was not like the signature on the lease.

Cross-examined: (*Looks at Y*) It may be, but I think not; the letter he shewed me; I had not spoken to him three times before that day; he was a stranger to me; at the time of my conversation with plaintiff I was on a visit to defendant; my wife keeps a school; I married her last August; before that I managed another farm; he said, "It would be bad for her to prove this letter against him—he could alter his hand"; Richards imitated my hand so well that I could not distinguish between them (*writes his name on paper*); I told plaintiff I came from Andrews' for letters and papers.

Re-examined: When I went to plaintiff's; he and defendant were good friends; he did not say the letter he held in his hands would be bad for her to prove.

Timothy Lane: I was overseer to Miss Kelly; I commenced on the 10th May, 1859; I was employed at the Manning River; I know where the plaintiff lives; I know Miss Kelly's paddock at Mount George; Miss Kelly occupied it in May, 1859; her horses went in it; some of plaintiff's were in it; the stockyard is forty or fifty perches from the paddock; this was the only paddock and stockyard she had for her horses about that place; I put no horses in the paddock or stockyard; I remember when Miss Kelly left the Manning, to come to Sydney for her trial; that was in September; I received instructions then from her; I repaired Mount George stockyard and paddock fence, from 29th September to the 4th October; I then saw Richards, the plaintiff, at the paddock; I saw him nearly every day at the stockyard; I saw him at the paddock several times when I was fencing; plaintiff on 7th October said, I have four allotments here, and I can let my horses out on my own allotments, and he would not stand between his horses and Miss Kelly's paddock; there is a broken fence between his allotments and the paddock; he called on me to repair the fence and he would repair part; on 10th October plaintiff, at his own house, said, "Oh! she's all but convicted, because the Chief Justice, Sir Alfred Stephen, has sworn before the Court that she has been guilty of perjury since 1855. I suppose I shall now have to defend an action against her trustees for my horses being in the paddock. I offered Miss Kelly £10 a year for the paddock, and I would willingly give £15 a year for it now. I would not want it for £25 for my horses"; on the 11th I talked with plaintiff; cattle of Andrews' and others were in the paddock; I had the paddock repaired; I and a boy could not get the cattle out; I asked plaintiff to assist me to put them out; he said, "I'll lend you a horse to put them out"; plaintiff said, "It is useless for you to repair the fence, as Andrews' cattle are always in the paddock"; he said, "I now give you a horse to drive the cattle out of the paddock"; the boy mounted the horse and galloped after the cattle; I said, "Richards, it's not your paddock"; he said, "Whose else can it be if Miss Kelly is convicted, as I have no doubt she will be"? he had not before told me it was his; I said not your paddock, because he said he had written notices to keep his pigs away, they were always in his paddock; he said he had sent notices to Andrews; the boy was then driving out cattle of Andrews and others; when we put the cattle out plaintiff said, "I will be obliged to you to go over to Andrews and caution him to keep his cattle out of the paddock, as you are in charge"; I said, "I won't go, for I won't incur Miss Kelly's displeasure, because she told me not to interfere with Andrews' cattle"; plaintiff said, "I shall be charged 5s. each for my horses per week, and 'it's very hard to allow Andrews' cattle to be in the paddock; but if the old wretch, Miss Kelly, had given me the paddock I'd soon make them keep them out"; I asked plaintiff himself to go to Andrews'; he said, "If I do, they'd only laugh at me, knowing it's not mine; but if the old wretch, Miss Kelly, had given me the paddock I'd soon make him keep them out"; I said, I'd repair the surrounding fence, but not any fence within it; he said he'd give me a written notice if I required; I said, "You had better not, as I would not interfere with the inner fence"; I never saw plaintiff repairing the fence around the paddock at that time; I did not see him repair the fence; I should have known if he had repaired the fence; I never saw plaintiff or his people put up a fence there; I heard plaintiff speak about a lease from Miss Kelly, about the middle of December; I was examined in a case between the plaintiff and the defendant in December; I then first heard plaintiff speak of this lease; plaintiff's were not the only cattle in that paddock; other persons' cattle were constantly there; we had no muster in the paddock at any time; there was no other place on that station where she could muster.

Cross-examined: On the 10th of October I asked of Richards if Miss Kelly was convicted; he said, "No doubt she would be"; I heard a conversation between the plaintiff and Miss Kelly, on the Manning Flats, in May; she said she would have him out of the house, and charge him 5s. rent for the horses; Richards passed Miss Kelly's station before the trial; she told me to "stand aside"; (*looks at paper Z., 23rd Aug.*) I doubt that is my writing; it is my writing; I put a wrong date to it; I wrote it in October, on the 7th; I received a letter from Miss Kelly in Sydney, dated 22nd July, 1859; I read part of it to plaintiff. (*Letter read, A. 1—Letter read, Z.*)

Re-examined: I put a wrong date on the letter because I had a summons against Miss Kelly for a breach of agreement; I told plaintiff I thought I would get my discharge from the Bench, and he asked me, "Did you answer the letter of the 22nd July?" and I said, "I did"; plaintiff said, "What did you state about my horses?" I told him, "I answered her letter in the affirmative, so far as saying I had given him notice to take his horses away"; plaintiff said, "Now, you did not notice me on that day"; I said, "No, it was a Sunday"; he said, "You are going away; that will do me an injury—give me a line you did not notice me that day"; I therefore wrote the letter, and dated it wrongly, and at his suggestion I dated it as I did; there was nothing else but that to induce me to put a wrong date; it was written in his own house; when the letter was written I was about to leave the place; Girard has recommended me as a policeman; Girard was not Miss Kelly's overseer, but of merchants in Sydney—Lennon and Cape—the mortgagees of Miss Kelly's station.

Monday,

Monday, 4 June, 1860.

William M'Lean: I am a storekeeper at Wingham, and postmaster there; I was in the Court-house at Wingham on the 7th December, 1859, when the plaintiff had a cause in trespass against the defendant, about impounding cattle; on the Bench were Messrs. Flett, Johnson, and Cross; I was there as a spectator; I was there all the time that the cause was on; I heard all that passed; defendant asked plaintiff by what authority he impounded the cattle; plaintiff said, "I have a lease of the paddock"; defendant said, "Who gave you that lease?" plaintiff said, "That's my business, not your's"; defendant asked for a sight of the lease; plaintiff said, "It is my own property, and I won't"; defendant appealed to the Bench, and said, "I demand a sight of the lease"; plaintiff handed the lease to Mr. Flett; Mr. Flett looked at the lease, and said, "It's all right—this is a lease of the paddock to Richards from Miss Kelly"; defendant Andrews again asked for the lease; Mr. Flett handed it back to plaintiff, and said, "It is his own, he can do with it what he likes"; defendant again said, "I demand a sight of the lease"; Mr. Cross ordered the lease to be given to defendant; defendant examined the lease, and compared it with some documents he had, viz.—letters; he examined it by putting it up to the light to examine the water-mark; plaintiff said, "I have letters from Miss Kelly"; after examining the lease defendant said, "I believe it to be a forgery"; the lease was then handed again to Mr. Flett; Mr. Flett said, "It is no forgery—I could swear to the document being a genuine one, and any one who has ever seen Miss Kelly's hand could not be mistaken"; Andrews then again said, "I believe it to be a forgery—what is a forgery but a good imitation?" the lease was handed to plaintiff (by Mr. Flett, I believe); defendant said, "I wish the lease to be impounded—I'll challenge it to be a forgery"; Mr. Flett said, "We have no business to make any such order"; at this time the other two Magistrates retired from the Bench; in their absence a discussion arose between Mr. Flett and defendant about the lease being given up to the plaintiff; the two Magistrates returned to the Bench; defendant asked again for the lease to be impounded, and Mr. Cross ordered it to be handed to the clerk; it was handed to the clerk; defendant did not say "It is a forgery," before he examined the lease and letters; there was a warm discussion between Mr. Flett and defendant about handing the lease to Richards while the other two Magistrates were off the Bench; I did not hear defendant say, "Such a d—d piece of ignorance to give the villain a forged document for him to destroy it"; defendant said, "It is preposterous that a document, which I believe to be a forgery, should be handed back to Richards"; I did not see the lease after it was handed to the Clerk of the Court.

Cross-examined: Defendant did not say, as the clerk was untying the papers, "The lease is a forgery"; I did not hear Mr. Flett say, "I wonder, Mr. Andrews, that you, being a Magistrate, should say it is a forgery before you see the document"; Mr. Flett, that day, was chairman; I don't recollect that the plaintiff was asked if he had any objection to the lease being given up; I won't swear he was not asked; I don't think Richards said he should enter an action, and his attorney might want the lease for it; none of the Magistrates said, if they had a letter from a solicitor the lease should be given up; plaintiff objected to give defendant the lease; I believe Mr. Flett said, "I'll see that you get the lease back again"; that was, the Bench got it first; that was, Andrews demanded a sight of the lease; I think it was Mr. Cross ordered the lease to be given to Andrews; defendant did not say it was a forgery—Miss Kelly had told him so.

Re-examined: I don't think defendant said he had heard anything from Miss Kelly.

Isabella Mary Kelly: I have a property on the Manning River called Mount George; I have had it twenty-four years; I have been in the Colony twenty-five years; I know Charles Skerrett; I had him indicted for cattle-stealing in 1855; he did not then produce a bill of sale of the cattle from me; he was committed; on his trial a paper purporting to be such bill of sale was produced; he was convicted; he remained at Cockatoo four years and was released before his sentence expired; he then indicted me for perjury on his trial and before the Magistrates; I took my trial on the 6th and 7th October, 1859, before His Honor Mr. Justice Dickinson; I was convicted and sentenced to twelve months imprisonment and £100 fine; I remained in prison about five months and a half; I was examined before a Committee of the Legislative Assembly during that five and a half months; I have since charged Skerrett with forgery; the charge is now under investigation; I know both the plaintiff and defendant in this cause; (*looks at a letter F*) when on my trial this was offered in evidence by my counsel; Richards was not examined; that letter was put into her hands; she said that was not her signature; I left the Manning River on the 21st September, 1859, to take my trial; I then lived five miles from the plaintiff; I saw him shortly before; he passed my door always with the mail; on the 12th September I saw him in the presence of Mr. Manton and Mr. Cosgrove at my own place; I saw him again on the 13th or 14th in the presence of Mrs. Cain and my overseer Lane; no writing passed between me and the plaintiff on either of those occasions; I saw plaintiff on the 19th; he came up after 12; I was very ill; Mrs. Cain was about the place; he was coming in the direction from Gloucester; I did not afterwards see the plaintiff; on the 19th the plaintiff and a man came up to my house on horseback; both stop't; I ordered Richards away several times; the man rode away first; Richards galloped after him; Richards said, "Miss Kelly be so kind as not to take my wife to Sydney"; I had on the 12th told him I should subpoena her; I said on the 12th, "I can't help it, but from what she and he wrote to me from Nelson's Plains I could not do without her; surely she won't perjure herself again"; (*looks at F*) I then shewed him in presence of Manton and Cosgrove the letter F; on the 12th Richards said, "My writing to signature and body; not my wife's signature, she knows nothing about it; her signature is a forgery"; he said that before Mr. Manton and Mr. Cosgrove; on the 19th September he asked me not to take his wife to Sydney, and to take back the cheque for £5 for her expenses; I said, "I can't do without her; her evidence is of great consequence as she can't deny her writing"; plaintiff did not that day (the 19th) dismount from his horse; he was there at my door a quarter of an hour; he said, "My wife will do you more harm than good"; I said, "I don't care; all I want is for her to speak the truth. I have no doubt you are plotting with Skerrett all this time. Kennedy has said that you were riding about with Skerrett"; plaintiff said, "Skerrett has been with me; I can't get your cheque cashed"; I said, "Not a storekeeper on the Manning but will cash my cheque; if you'll bring me your cheque I'll try to get it cashed for you"; he said, "What's the use of your subpoenaing my wife when she has been subpoenaed by the Crown before the 12th September; he had written to the Attorney General to subpoena his wife and he had done so"; I did not take back my cheque; he never went into my house at any time; there was no conversation about my giving him a lease of the paddock; I did once let the Mount George property to the plaintiff; (*looks at a paper*) that is not the lease; I let plaintiff two allotments in 1858 or 1859, but not the paddock; (*looks at lease*) I never wrote nor signed that lease; I signed nothing on the 19th September; I was so ill then that I only signed my name to cheques which Bigby wrote; I first heard of the lease after I was in gaol; (*looks at letter 20th September, 1859, A 2*) this is my writing; I wrote it on the date it was written to defendant Andrews; I sent the letter of 20th September on the same day; defendant lived five or six miles from me; he came twice that day; I heard him; I only saw him once; I never agreed to let him have that paddock for nine years; (*1st page of letter read to Jury, and part at the end*) I had two kinds of paper in my house—one thin and the other ruled; (*looks at lease*) I had no paper like that; when I went to Sydney I gave instructions to Lane.

Cross-examined: (*Looks at a paper, 15th March, 1858, A 3*) That is Andrews' writing; I signed it at his house; I was staying there; (*looks at a signature*) it is very like my writing; I can't say unless I saw the body of it; it was on Andrews' paper; I don't know where I bought the two papers I had on the 19th September; (*looks at another paper A 4*) I signed that; it was written by Cochrane; (*looks at another paper, 22nd December, 1856*) I wrote that; (*looks at another paper, 11th July, 1854, A 6*) that is my writing both in the body, and as a witness the Ann Andrews therein mentioned was then my servant

and

and is now the plaintiff's wife; there was only one paddock in 1856; that is the one now in dispute; (*looks at a receipt*) I never gave that; (*looks at paper*) Mr. Mullen attested that; I signed that and the memorandum, agreeing to cancel the sale; (*looks at paper, 6 May, 1857—looks at another paper, 12 December, 1854, A 8*)—the body is not mine; the signature looks like mine; I can't say if it is mine; all looks to be my writing but this; I believe it is all my writing; some years ago I had a different signature; Hughes, the grocer, advised me to alter it; he said he could imitate it easily; that was seven years ago; (*looks at two other papers, A 9, A 10*) these are all my signatures; both dated in 1846; the body of them I think is in my writing; (*looks at another, A 11*) that is my writing, I believe; I wrote such a document; Skerrett did not say he bought my cattle after a warrant had issued against him, and he was in the public Court; I swore I never wrote the paper of sale; he was convicted, and sentenced to ten years; he served four of them; he charged me with perjury, for swearing falsely; the agreement was not mine; the jury convicted me; Mr. Dew did not charge me with perjury; I had a case some years ago against Connolly and Brisbane; defendant gave evidence in it; I don't believe Andrews then said he would not believe me on my oath; I never heard him say so; he said that if the sheep were where they were pointed out to me, Miss Kelly was wrong; I, not Andrews, have charged Skerrett for forging the paper he swore I wrote; that was very lately; Andrews and I made affidavits; a warrant then issued; Girard and all the other witnesses were at the "Emu Inn" when I was there; Connolly was there; I said, "As long as I speak truth I did not care if Sir William Manning crosshacked me"; I went there because my servant had no rations; I took no interest in the action; it was not my case; I took no notice of what the witnesses said; I saw plaintiff on the 12th September; on the 13th or 14th, and on the 19th; Richards on the 12th said the letter was written by him without the knowledge of his wife; he read the letter through; I snatched it out of his hand; Manton came to buy my sheep; I taxed plaintiff with saying my sheep were diseased; Manton lives at Port Stephens; Manton and Cosgrove were there some hours; I could not write on the 19th, and some days before; I tried to mount my horse on the 20th, at 11 a.m.; I could not; I afterwards wrote to defendant on that day; (*looks at another paper, A 12, February, 1857*) it is my writing; I started for Sydney on the 21st; I went as far as Grant's, twenty-four miles; next day from Grant's to Dungog, nineteen miles; I once rode, when in health, seventy-five miles in one day; I don't remember telling Lane to stand aside; on the 12th September I told Richards not to come again; on the 14th Richards said, "I want a private word with you"; I did not have a private conversation with plaintiff after telling Lane to stand aside; on the 5th May, 1859, I said, "I'd charge 5s. for every head of cattle he put in the paddock"; I never promised to let him have the paddock by letter rent free for some years, as from 1856; (*looks at signature to a letter*) I cannot say whether it is my signature, unless I see the body; (*looks at Y*) I wrote 92, Hunter-street; the signature looks like mine; the body is my writing; in September, 1859, I had twenty horses running about Mount George; they were mustered in Bigby's yard; I don't remember writing to defendant about Mrs. Richards' evidence, nor by the same mail that I wrote to Richards; (*writes on a paper A 13—looks at an Indenture, 1852*) that is all my writing; that is the draft of a lease; it is my old signature; Mrs. Richards in Skerrett's case gave evidence against me in the Police Court; I think she was frightened at Skerrett; I never told Richards his wife could say she was frightened at Skerrett; she was subpoenaed by the Crown after Richards told me she had been. [I reject document F.]

Re-examined: The documents on which I was convicted were not produced before the jury; they were produced before the Committee; after that I was released; the documents were before the jury when Skerrett was convicted; (*looks at a bundle of papers, A 16*) they are all my writing; (*specimen of handwriting, A 15—Indenture, A 14*) I was trying to sell stock when I wrote the letter to defendant, offering land without heavy rent; in September, 1859, I found I could not sell my horses; about 25th September I arranged with carpenters to put up a ten-stall stable in the paddock; I never, from the time I found I could not sell my horses, told plaintiff he might have the paddock on any terms; plaintiff was to fence under the first lease.

Joseph Andrews: I am the defendant in this cause, and a Magistrate; I know Miss Kelly, plaintiff, and Skerrett; I know Miss Kelly's writing; (*looks at lease*) I don't believe it is Miss Kelly's writing; I know the plaintiff's writing; (*looks at F*) the signature is his; there are two ways of signing in this paper; the body I believe is plaintiff's writing; he pronounces situated STUATED; so spelt in the letter; (*looks at C*) I received this from plaintiff or his man; (*looks at all the other notices*) I received all these notices from plaintiff or his man, viz., U, N, T, M, V, K, D, B, S, L, C; I am not sure he wrote C 1, but he gave it me personally; all these are notices about trespasses in the paddock except C 1 (*looks at F*); I was at Miss Kelly's trial; F was put in my hands; before her trial, and after her trial, I told him I thought Miss Kelly would put in the letter from Mrs. Richards as evidence; he asked, "What is the letter about"? I said, "I believe it is a letter of apology from you or your wife about giving her evidence at the former trial, at the Police Office at Bungay, from her position, living with Skerrett at the time, being under some fear of Skerrett, she stated what she had said at the Court—the letter contains a description of the plot, that Mr. Richards had received a document to swear at Court at Bungay"; he said, "I believe that is true, I recollect something of the matter"; Mrs. Richards admitted the same thing in the presence of my wife; I heard what plaintiff said about me and my man taking down the fencing of this paddock; I did not break them down, or order my man to do so; they broke down none to my knowledge; I took out proceedings against Richards for forgery; I had taken every step to ascertain it; I believed he had committed forgery; I had no interest in Miss Kelly's affairs; I applied briefly for a summons; I had no quarrel with plaintiff, except for impounding my cattle; Richards asked me to beg Miss Kelly to give him a lease of the paddock; I did so; she refused; I told him so; that was before Miss Kelly went to Sydney; about July, 1859; on the summons coming on there was no appearance of defendant, and the document that I had impounded was gone; the Magistrates would not go into the case; they said they would dismiss it, as it had gone to a higher Court; I said, "I was aware of nothing of the kind—I had received no notice of action."

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Tuesday, June 5, 1860.

Joseph Andrews (continued): I never heard of a lease to the plaintiff till a month after her conviction; I and plaintiff had had no differences about this paddock, or about the fences; he made no claim to it till after her conviction; she was convicted on 7th October, in Sydney; the first notice I got from plaintiff was dated 22nd October; I had, before that, often seen Richards; he was aware for three years my cattle and pigs had been in the paddock; he never complained of their being there till after Miss Kelly's conviction; at the Police Office; I believed it was a forgery; the overseer, Lane, told me there could be no lease of the paddock before Miss Kelly left the Manning for her trial, because he had received orders from her on the 19th September to repair the fence, and that Richards complained, when he was repairing the fence, he could not get a lease of the paddock; I heard from Girard there was no document relating to a lease of the paddock; he was then managing the estate for Lennon and Cape; this was before the police examination on the trespass charge; Dew told me to be on my guard—Skerrett had told him that Richards had a lease that would settle Andrews—he thought it was a plot between Skerrett and Richards; there was a difficulty to get the lease produced in Court; it was first; I was brought up on a charge of trespass; I was defending myself; I was called on for my defence; I was there in obedience to a summons; plaintiff preferred his charge against me before the Bench; Richards made his statement; I cross-examined him; I asked him, "Have you a lease of the paddock?" plaintiff said, "I have"; I said, "Will you produce it?" plaintiff said, "That is my business"; I asked him, "Who gave you the lease?" plaintiff said, "Miss Kelly; she wrote it herself;"

herself"; I said, "Did you ever know Miss Kelly to write any lease?" plaintiff said, "Not before this one; I urged the production of the lease; it was handed to the Bench; it was put into Mr. Flett's hands; he (Flett) said, "Here it is—here is a lease from Miss Kelly to Richards"; I asked to look at it"; Flett said, "It is Richards' property"; I said, "Do let me see it; I'll not destroy it—you have constables and a lock-up"; it was put in my hands; I examined it; I said nothing about it before I examined it; I then said, "I believe it to be a forgery; it is not like her writing, and not like the paper"; I received the day after the date of the lease. I believe Miss Kelly has no such paper as this on which the lease was written. I have the same paper with one of Richards' notices on it"; Mr. Flett said, "You have had the lease long enough"; it was handed to him; he put it up to the light and looked at it, and said, "No watermark"; I said, "Just so"; the lease was being handed back to Richards; I begged the Bench to impound it; Mr. Flett said, "It is Richards' property, and we have no right to impound it"; I said, "It is a most unusual mode of proceeding to give up an instrument challenged to be forged into the hands of the forger. It might be destroyed, and there would be no proof of the guilt. The document would be safe with the Clerk of the Bench, and if I was allowed time I would bring witnesses to prove it a forgery"; after a little the document was given to the clerk; I never said, "damned piece of ignorance"—I dare not do it; I did not say it was a forgery before I saw the lease; not when papers were being untied; I did not hear any one say, "Mr. Andrews, I am surprised that you, a Magistrate, should say it was a forgery before you see it"; I heard Mr. Flett say this—he said it was Miss Kelly's writing; I said, "I know Miss Kelly's writing as well as you do—what is a forgery but a good imitation"; on the 22nd December I applied for a summons; it was to come on the first Wednesday in January; when it came on the document was given up; I had no previous notice that the lease was given up; Girard applied to me for a summons against Richards; at first I refused; he pressed me; I then signed a summons he drew out.

Cross-examined: I judge that not to be Miss Kelly's writing, from information and my own knowledge; I am sure the lease is not Miss Kelly's writing; Richards' horses used to run in the paddock, and so did my cattle; he had no more business in it than I; it was a kind of common; Richards ploughed it in 1857; he put up the fence; a flood came; he asked me to ask Miss Kelly to take it and the land off his hands; after leaving the paddock he went to the brush; he purchased the brush from Miss Kelly; I have seen seven or eight horses of Richards' in the paddock; I had been on bad terms with Miss Kelly about the paddock; I don't recollect that plaintiff said, Miss Kelly wished him to bring an action against me for my pigs trespassing; I came to Sydney at the beginning of October; I was back at the Manning on the 14th October; at the Police Office I said, "I believe Miss Kelly has no such paper in her house, because I had received a letter from her the day before, and which was on a different paper, and one of Richards' notices was on the same kind of paper as the lease"; I said, "I believe Miss Kelly has no paper in her house such as the lease was written on"; I was not in sight of the squabble at the fence that plaintiff spoke of; I heard Richards say, "I was"; it was about that squabble that Girard asked me for a summons; there were no summonses then out I think against me; at Bungay Bungay I deposed to signatures to Skerrett's documents were the genuine signatures of Miss Kelly; I believed and stated they were Miss Kelly's signature; I afterwards said I thought they were not hers; I had had some of her papers signed in 1846; I had many letters from Miss Kelly from the time I gave evidence till 19th September; nine years ago I said if Miss Kelly said it was her land I would not believe her on her oath; I don't recollect saying, from my knowledge of her character I would not believe her on her oath; I don't recollect saying generally, I would not believe her on her oath; I know a man named Baines; I don't recollect telling Baines, in 1858, "Richards had good paddocks for horses," and pointing to Mount George paddock; (*Sir William Manning asked him if he did not say certain things to Baines, he answered*) I have no recollection of saying anything of that kind to Baines; I and witnesses have been at the "Emeu Inn"; Miss Kelly has called there several times; I did not ask her then about what evidence she could give; I asked Miss Kelly in Darlinghurst.

Re-examined: In 1858 I let Richards have an acre of my paddock adjoining Mount George; at that time the paddock was occupied by him as well as me; I have lately been able to compare Miss Kelly's handwriting better than formerly; between the two times I swore about Miss Kelly's writing to Skerrett's paper I had means to improve my acquaintance with it; I had looked at her old signatures; plaintiff had never exclusive occupation of Mount George paddock.

Cross-examined: She did not on 17th September say she had written from Sydney to Richards, promising him a lease; I shewed Richards the Brush allotment; I advised him to buy; I told him he had been taken in, and advised him to bring an action against Miss Kelly.

Re-examined: That was subsequent to his coming up from Nelson's Plains.

Cross-examined: Before the police court business I had permission to use the paddock from Girard in October.

Re-examined: My cattle ran in the paddock seven or eight years.

SIR WILLIAM MANNING called.

Henry Flett: I know Miss Kelly's writing; (*looks at lease*) that is her writing; I have no doubt the whole is hers; (*looks at Richards' draft, W*) the signatures are both like Miss Kelly's; I don't know who wrote the body; on 7th December I believe defendant did not say he had received a notice from Richards on the same paper as the lease; I do not remember that defendant compared the lease with other documents; after the case was over I said to Andrews, "I am sorry you made such a statement at the Court, as I am positive the document is in Miss Kelly's own hand, and that Richards could not have done such a thing"; Andrews said, "Well, Flett, you do not know them as well as I—he has got that fellow Skerrett to do it"; I said, "I don't believe a word of it"; I have known Miss Kelly twenty years; I have had opportunities to judge of her character; from those opportunities I would not believe her upon her oath.

Cross-examined: I and Miss Kelly used to visit—not for fifteen years; I have not been at her house for five or six years; I gave evidence before the Committee of the Legislative Assembly; she made no charge against me or to me; (*looks at a letter, A 17*) not her writing I think; it may be; (*looks at signature*) the signature is hers; I now think the body is hers—not in her usual writing.

George Henry Rowley: I was a Magistrate on the Manning River; I had opportunities to form a judgment of Miss Kelly; from those opportunities I would not believe her upon her oath; I recollect the trial at Maitland nine years ago; I recollect Andrews gave evidence; Andrews was asked by Mr. Purefoy if he would believe Miss Kelly on her oath; Andrews said, "I would not unless she was confirmed"; I know Miss Kelly's writing; (*looks at lease*) it is entirely Miss Kelly's writing.

Cross-examined: "Mount George" is certainly her writing; I have known Andrews some time; (*looks at A 17*) this is Miss Kelly's writing.

Mr. Yew: I have been with Mr. Moffat, the bookseller, since 1854; (*looks at D. and lease*) distinct kinds of paper; the lease is on a bluer tint than the other paper; the lease is better paper than D; both are blue letter paper.

Cross-examined: Colour of paper depends upon being faded. (*Explains difference of paper to jury.*)

S. Gould: I am a stationer; I looked at the two papers; they are different papers.

Cross-examined: One is lighter than the other; no difference but in colour.

Benjamin Baines: His brother married my sister; I was about to join him in the mail business; I saw Andrews about that time; in October, 1858, I went with plaintiff to defendant; plaintiff and defendant talked; plaintiff told defendant he was about making arrangements with me to run part of the mail contract for him; Andrews said, "I think you can't do a better thing"; pointing and looking towards Mount George, he said, "Good secure paddocks, with plenty of feed for the horses"; he said,

"There

"There is a piece of wheat, and without is better of my paddock, which I'll give you to mow for hay, and then to save you expense you shall have it in winter to grow green stuff for the horses." Andrews said, "There is abundance of feed for horses in summer in the Mount George paddock, in bottom paddock, next to his paddock."

Cross-examined: Andrews said that to both of us; I did not enter into that mail contract; I have been groom and coachman in Sydney for the last twelve months; I did not mention this to any one; it is not half a mile from defendant's house to Mount George in a straight line; there is bush between them; we could see the paddocks from his house; it was then a well secured paddock; I wont swear one of the fences had been swept away by a flood; I think it was not; I am sure.

Mr. DARVALL re-called

Joseph Andrews: I have no recollection of the conversation with Mr. Flett after the Court he has spoken of; I had no such conversation with him anywhere.

Cross-examined: I believe the conversation did not take place; Skerrett's name was not mentioned in or at the Court.

Monday, 6 June, 1860.

Mr. Darvall, Q.C., addressed the Jury for the defendant.

Sir William Manning (at $\frac{1}{4}$ before 2, P.M.) replied on the whole case.

Verdict.—On 1st, 2nd, and 3rd issues, for plaintiff; damages, £30.

On 4th and 5th issues, for plaintiff; damages, £50.

On 6th and 7th issues, for plaintiff; damages, £20.

B.

ISABELLA MARY KELLY, }
v.
WILLIAM WAY BURT. }

Not accounting for sale of fourteen horses entrusted to defendant on commission for sale in India.

Courts for money received and account stated.

The declaration complains, in terms, that the defendant did not render a true and just account or any other account.

Pleas—1st. Defendant did render a true and just account. 2nd. As to £44 payment into Court, and that it is sufficient to satisfy plaintiff's claim. 3rd. As to the residue a set-off of commission and money paid; and also of damages sustained by plaintiff's breaking a contract to ship twenty horses instead of fourteen; long discussion as to the party on whom the affirmative of the issues lies. I hold that although the plaintiff must give some evidence to enable the jury to ascertain the amount to be accounted for, or sum to be found for the plaintiff, yet it is for the defendant to prove his charges for commission and outlay—and how many horses died—and what were the proceeds of sale—in short, to make out his own case.

Plaintiff: Saw defendant in Castlereagh-street, and he told me that he had chartered a vessel to Calcutta, and asked if I would send horses by him; I told him that I would not send many there as my horses were not known in Calcutta, but only in Madras; he said that they would sell better in Calcutta; the interview was some time before August, 1855; I think that it was in January; I have seen defendant write a memorandum; wrote it for me to sign, but I would not agree to it; I believe these six papers to be his writing; I asked defendant what were his terms; he said £25 for each horse landed alive and headstalls; I said that I would not pay for headstalls, but that I had no objection to the price if that would clear me of every thing; that I had paid no more because the freight (profit on the charter) was sufficient; and I said that I would allow only "one" commission; he said that he would take the horses on those terms; I told him that the commission charged to me was $2\frac{1}{2}$ per cent.; I said that I was not sure how many I could send, as I could not depend on my servants, but that I would send as many as I could get ready by the time—but was short of hands; I said that I would prefer hearing what the first sold for before I sent more, but that I could send him fifty by his next trip [some of the defendant's letters read]; in March, 1856, the defendant came to Brinben, and said that he had been at Cundletown, and been promised twenty horses for How, Walker, & Co., and asked me how many could I ship; he hoped that I would ship twenty; I said that I could not say how many—that he was to keep no stalls for me, but I would send what I could, and in November or December, if these sold well, I would give him from forty-five to fifty; then he wrote out a memorandum which I would not sign; it was not signed by either of us; this is it [read]; I told him that I never was charged with headstalls, and he said that he was content, and he would land them for the £25 each; I told him that I would try and send him fifteen, and that he must not charge me with more than $2\frac{1}{2}$ per cent. commission; he said that he would not, and that as I was to send more some day he would be very reasonable; I had fifteen horses handled for defendant; and they left my place, being then perfectly quiet; they were ready then by 10th April; Brinben is sixty miles from Port Stephens; they started with nine horses of the Cundie Company's; my servant was in charge; he had gone to the diggings.

T. Hughes: Clerk to plaintiff's attorney; I produced to the commissioner (Mr. Carter) on the examination of the defendant, a receipt, and it was put into his hands; the defendant spoke of it in his evidence; I believe that I left it with Mr. Carter; have not seen it since; it is not among the papers; I have searched and can't find it in our office or with Mr. Carter; I have made inquiries for it of Mr. Carter and could not procure it; I have not searched all over the office, nor will I swear that the receipt was attached to the examination.

Plaintiff: After despatching the horses I received this letter from defendant [read]; it refers to a receipt; I remember the contents.

Isaacs: Secondary evidence objected to—no sufficient search; Mr. Carter not called by me; I believe that the search is sufficient; Hughes says, "I have searched in every place where it was likely to be."

Plaintiff: I handed the receipt to my solicitor and have not seen it since; the receipt was brought to me by my servant, and was only a few lines; "I have received on board the 'Harkaway,' 8th May, fourteen horses," and it said "I sail to-morrow"; the value of each horse was from £30 to £35 when I left my station, which is sixty miles from Port Stephens.

[*Note*—Isaacs asked me to order plaintiff, after giving her evidence thus far, to withdraw while other witnesses were under examination, but I refuse.]

[Some other letters read.] I never promised to let defendant have any particular number of horses.

[Account sales put in and read with letter enclosing same.] Till then I never heard of defendant's claim for horses short shipped; as to the charge for commissions I never agreed; told him that I would only pay one, and that $2\frac{1}{2}$ was all I had paid Captain Gable; defendant said that he would charge no more.

Examined: Can't say whether the interview in Castlereagh-street was before or after receipt of a letter from defendant; I objected then to the headstalls; I know of no arrangement or negotiation for a shipment by two different ships—one by the "Gloriana," and one by the "Harkaway"; the first intention was to take the horses to Madras; the "Gloriana" was to have gone to Madras and Calcutta, but he did not freight the "Gloriana"; can't recollect the length of time between the conversation in Castlereagh-street and that at Brinben; I received the lost receipt in August last; not a word in it about

about "part of 20" to be delivered; there was to be only one 2½ per cent commission; that was not to include the feed of the horses, or stabling. [Asked as to the contents of her account sales of horses.]

[*Objected to.*—Writings should be produced. I rule that the witness can't be compelled to state these.]

Hughes: I feel certain that the receipt was produced; before Mr. Carter; I remember it; it was dated 8th April, and was signed by defendant for fourteen horses; it did not mention twenty horses; nothing about them.

Augustus Carter: I have only a general recollection that some papers were produced; can't say if a receipt were produced; after reading through the examination my belief is that the receipt was alluded to, but not produced.

Plaintiff recalled: I understood that the £25 per horse, and the 2½ commission, were to cover every expense; I said so, but of course I expected to pay for stabling and feed; I told defendant that the charge was exorbitant; I don't know the charge for selling by auction, in Sydney; I swear that I made the defendant clearly understand that he was only to charge me with the £25 and the 2½ per cent.; he agreed; I swear that I never promised to send twenty; he asked me to do so; defendant told me that the Cundell Company had promised him twenty, and he hoped that I would do the same; I told him that I could not, for I was short-handed [the horses were to be all "handled"]; I had to employ men to get them in. [Examined now as to her intention, &c., in putting a very peculiar memorandum at the foot of the defendant's memorandum at Brinben.] Defendant asked me to sign the memorandum; I refused to do so. "Have you not, in a letter, alluded to the absence of his signature?"

[*Objected to.*—The letter ought to be produced.]

Isaacs: If I do produce such a letter how then can I contradict her? I am laying the ground for a contradiction.

[I rule that the letter must be produced; and I rely on the Common Law Procedure Act.]

Isaacs alludes to Holroyd's yesterday having only put in some of the defendant's letters (and, in fact, having withdrawn two which were proved by plaintiff). *Holroyd* says now, that he nevertheless, afterwards, put in every one of them. *Isaacs* insists that he did not, and that, as counsel, he cannot give evidence.

Plaintiff's cross-examination continued: The horses were all quite quiet; a boy could lead them; their tails were pulled, and they would drink out of a bucket. "Have you not, in a letter to the defendant, said that they were only rough handled?" [*Objected to and over ruled.*] When I first negotiated with the defendant, I understood that he was going to Madras and Calcutta; I knew of no vessel in particular; I don't remember any; I told him that I would send more to Madras than to Calcutta; I can't remember when the defendant first spoke of twenty horses. [Then she says "It was at Brinben."] This letter, dated 22nd March, '56, is my writing, and these, 11 April, and the 15th and 16th April, '56 (four in all); I was present at the examination of the defendant, before Mr. Carter; don't recollect defendant's being asked about the contents of the receipt; nor that my counsel objected to his being asked questions about it; don't know that it was produced before Mr. Carter; the man who brought me back the receipt from defendant went to the diggings, and I have not been able to find out where name was M'Mahon.

Francis Donahoo: Farmer on the Manning; about two years ago I roped and haltered, and lunged, for plaintiff, some horses at Brinben; I believe fifteen; attended them a fortnight; better than twelve months previous I handled three of the same horses; M'Mahon assisted; he was plaintiff's servant.

Examined: The colour of the horses was three chesnuts, two black, and ten bay; of these there were two of a darker colour, brown; I believe that there were three chesnuts; don't remember four; to the best of my recollection there were only three; some of them were quiet; all were so when I left.

[*Isaacs asks for nonsuit.* On this *Holroyd* refuses to be nonsuited. *Isaacs* then submits that he has a right to my opinion whether there is or not a case to go the jury. After conferring with Dickinson J., I rule that *Isaacs* is bound to go at once to the jury, and either call or abstain from calling witnesses, as he may think fit.]

Defendant: In 1855, between August and December, saw plaintiff in Castlereagh-street, and our then interview had reference to an intended shipment of horses by the "Gloriana"; I saw her in Castlereagh-street twice, I believe, but if so it was in '55; nothing definite was arranged at all then; I mentioned to her that £25 would be charged for each horse for freight, and she thought it high; don't recollect that she said she would pay it if it was to include every other charge; if she did I should have refused it; I never agreed to such a proposal; the sending of the "Gloriana" came to nothing; I was taken ill, and could not go by her; in March afterwards I saw plaintiff at Brinben, and we talked of her horses, and she shewed me several; I told her what horses were proper, and wrote out a memorandum for her; it was by inadvertence that I did not sign it; I remember that the plaintiff objected to the headstalls, and I told her that I would not find any; she objected also to the charge for commission, and I told her that I always charged 8 per cent., exclusive of auctioneer's charges; she said she could not allow it, and I then said that I would charge 5 per cent. only; that was for myself; she said that the horses had been very roughly handled; I never wrote any other memorandum; she sent fourteen horses which were shipped; of these three died on the voyage; I have here my journal of dates and occurrences; every one died from inflammation of the lungs; the eleven were landed; one of them was a bay with white face, and it died the day after landing; it was ill when landed—got hurt in a gale some time before; I paid ten rupees each for landing and placing in stable; I paid the same for every other, and it is fair and reasonable; the custom of the port, and in the trade, is for the shipper to land horses at his own expense; several days afterwards a small chesnut died from inflammation; I saw it opened; all plaintiff's horses were branded M.K.; no others so branded—[Describes the brands in each case]; I had all the survivors sold at auction; was present; the prices were as follows—(*States*); one I bought in, and sold at higher price, of which she had the benefit; I considered the prices fetched (considering the quality of the horses) were high; the following are the charges paid by me [specifies]; I had separate accounts from the auctioneer for each batch of the horses; I swear that I paid these charges for the plaintiff's horses alone; I believe that the stabling charges are moderate—£3 10s. per month each horse; the auctioneer's commission is on the gross amount of sales; mine is on the nett proceeds; I paid for fourteen headstalls—in fact for eighteen or twenty, as the horses broke some; I charge plaintiff for fourteen only; the usual Indian Commission is 8 per cent.; I forwarded account sales to the plaintiff, and received an answer; I claim an allowance for plaintiff's short shipment of horses; at Brinben plaintiff told me that if she had time she would send fifty; then she spoke of sending about thirty-five; I told her my terms for twenty—I fixed twenty; I said my terms for twenty will be £25 per head landed alive; she made no reply to that; then the dispute arose about the commission; she continually shifted the subject; she said that she was very anxious to send a large number; she never desired me not to keep any stalls for her; I swear that I mentioned twenty, and she spoke of sending a large number; if she had said that she would send "if there were stalls open" only, I should not have troubled myself about her horses; she never refused to sign the memorandum; I remember her mentioning Captain Goble, but not that I said I would charge the same as he had done; I told plaintiff that I was to take 130 horses by my charter, and was to pay £10 to the captain for each horse, and £21 to the ship—landed (*i.e.* freight on each landed); I told her that I would do my best for her, but that I would charge her with the headstalls; the receipt, which I sent to plaintiff, was for fourteen horses, "part of twenty"; I kept twenty stalls open for plaintiff's horses, and I tried to fill them up, but could not; the receipt was not produced before the Commissioner on my examination; the value of plaintiff's horses were not, in this market, more than £15.

Examined: I received a letter from plaintiff asking me to sign the memorandum, or send her another—[This]; in consequence of that I sent another memorandum signed; I swear that I sent a

second memorandum to plaintiff from Sydney in answer; the horses were knocked up by the voyage; it was a long one, and boisterous, and warm weather; so that all the horses landed in very poor condition; I should still call a horse roughly handled, although he may stand having his tail pulled, and may drink out of a bucket; there were some of the plaintiff's horses which were most unruly, and required five or six (in one case eight) men to keep in order, and even then one kicked the grooms brains out; took on board 120 horses of which two died at Port Stephens; I expected eleven more horses from the Cundell Company (*this is my writing, and this also is my letter*); but I had no contract with them for twenty; it was only an undertaking; there was no "binding" contract. [The paper offered in evidence it is a receipt for eight "in part of twenty" as per agreement."] *Objection*—It is "*res inter alios acta*" by me; it is in contradiction of the witness, and tending to shew that there was no contract with plaintiff to take twenty—for there would have been no room for them; if not admissible the true objection would be, that the matter is too remote—*i.e.*, the inference too loose; I got no vouchers for the outlay by the auctioneers—it is not usual; the auctioneers were paid by deduction from amount coming to me; it is very vivid in my mind that I sent plaintiff her receipt in same or similar terms—though I will not swear it; while M'Mahon was at Port Stephen the plaintiff's horses got away with the Cundell Company's; he was absent some days getting them in; during this time I brought horses of my own, from Maitland; I sailed with 118, but shipped 120, and I was compelled to pay for the ten deficient; the ship could have carried 140; I purchased sixteen horses in Maitland, and shipped them to make up the 120, and would have purchased ten more if possible, because of the plaintiff's, and the Cundell Company's omissions.

Sydney C. Burt: I knew from plaintiff that she shipped horses by "Harkaway"; she called at my office about the time, or a few weeks before the ship's departure; she told me that she had arranged with my brother to send twenty horses to India.

Examined: She called on me respecting the sale of her stud at the Manning; she had been proposing it before, and talking over the expediency of selling in Sydney; saw her after the ship sailed; will not swear that she used the word arranged, but if not, that she had engaged or agreed; she conveyed the same idea; she did not say, "if she could collect them."

Re-examined: Also, after the ship sailed, I saw her, and asked why she had not sent twenty, and she said it was because she could not collect them; I have sold horses for plaintiff, and been paid five per cent. by her; it is the usual commission.

Reply: Defendant's letter to the Cundell Company and his receipt to them. [Objected to as before, and received by me as going to contradict the defendant, and also as arising out of his cross-examination relative to his accommodation for horses on board.]

Plaintiff: I never received any other memorandum from defendant than the unsigned one at Brinben. I was not in Sydney in March, '56; and I never had any conversation with him as to the horses shipped by me. I never mentioned anything about an agreement to send twenty.

Isaacs speaks 1 hour and 20 minutes on behalf of the defendant.

Holroyd replies.

Charge: Whether the defendant had or not satisfied the plaintiff by his payment into Court, and (conjointly) by the alleged damage sustained by the defendant by the asserted breach of contract as to shipment of twenty horses.

Verdict for defendant.

[A result which is entirely in unison with my own opinion.]

C.

Be it remembered, that on this 29th day of August, in the year of our Lord 1863, *John Paton*, of the Upper Manning River, in the Colony of New South Wales, farmer, being duly sworn, maketh oath, and saith as follows:—

1. On Sunday, the 18th day of September, 1859, I went, accompanied by my wife Christian Dunipace Paton, to the residence of Miss Isabella Mary Kelly, to Gangat, Upper Manning River.
2. We found Miss Kelly confined to her bed by sickness.
3. On that day Miss Kelly informed me that she was annoyed with one Reuben Richards calling on her to get a lease of her paddock at Mount George.
4. Miss Kelly informed me that she refused to give Reuben Richards the lease of the said paddock.
5. Miss Kelly informed me that she told Reuben Richards that as she had sold her property called Waterview, she had no other place to muster her horses.
6. On that day I engaged with Miss Kelly to put up stabling for her in the paddock at Mount George.
7. On that day she (Miss Kelly) informed me that when she returned from Sydney she would live in a tent in the paddock until she would eject Richards from the cottage he then lived in at Mount George, as he (Richards) had not fulfilled his agreement with her (Miss Kelly) about it.
8. A few days after Miss Kelly was convicted of perjury, Reuben Richards called at my place and shewed me a lease of Miss Kelly's paddock at Mount George. He (Richards) asked me if it were like Miss Kelly's handwriting; I said, "I think it is" (No. 9). He (Richards) then asked me if I would swear to it being Miss Kelly's handwriting; I said I would not.
10. When I looked at the date of the lease I expressed my surprise to Richards, telling him that on the day previous to the date of that lease Miss Kelly had expressed herself to me in very different terms.
11. I was Reuben Richards' neighbour for about two years, and during that period I found him malicious, untruthful, and dishonest, and from a knowledge of his character I would not believe him on his oath.

JOHN PATON.

Sworn by the deponent on the day and year first }
above written, at Wingham, before me,— }

JASPER CREGGH,

A Commissioner for Affidavits.

Be it remembered, that on this 29th day of August, in the year of our Lord 1863, *Patrick Conolly*, of the Upper Manning River, farmer and grazier, being duly sworn, maketh oath and saith as follows:—

On Thursday, the 22nd day of September, 1859, I was assisting Mr. Frazer to remove his family from the district up to New England; Miss Kelly had left the Manning for her trial in Sydney, and I stopped at Reuben Richards' house, at Mount George, for the night; Richards had not returned with the mail from Tinonce, and I asked Mrs. Richards' permission to put our horses and bullocks in Miss Kelly's paddock; she said they had nothing to do with it; in the morning I saw Reuben Richards, and he confirmed his wife's statement, and said I had as good a right as Mr. Andrews or any other person to put my horses and bullocks in the paddock, and that he (Richards) had no claim to any place but the house, and the little piece of ground containing about one-and-a-half acres, which he fenced round with saplings.

PATRICK CONOLLY.

Sworn by this deponent on the day and year first }
above written, at Wingham, before me,— }

JASPER CREGGH,

A Commissioner for Affidavits.

Witness to mark—DANIEL REDDIN.

D.

D. No. 1.

Supreme Court,
26 November, 1857.

Sir,

I have the honor herewith to return the petition of Mrs. Skerrett, praying a remission of the sentence passed on her husband, Charles Skerrett, for cattle-stealing. The sentence was passed in April, 1855, and the term of punishment was ten years.

The petition is recommended by above seventy persons, among whom are four Justices of the Peace. Nevertheless, I am perfectly certain that probably *not one* of the subscribers knew anything of the circumstances, or had the means of considering the case. Mrs. Skerrett is a respectable person, with a large family, respectably educated, and in deep distress. It is not surprising, therefore, that she should have many well-wishers; and the more so, when it is remembered that her husband's prosecutrix is extremely disliked, and is in fact, a harsh and most eccentric person, almost always at variance with her neighbours. My duty, however, is to report most strongly against the petition. I believe that Skerrett took advantage of Miss Kelly's habits and unpopularity, to lay against her a deep and clever scheme of villany, such as the records of few Courts can parallel. He very nearly succeeded in his plans; and I firmly believe that, had not two or three remarkably intelligent men been on the jury, he would have triumphed in an acquittal.

The case is a very complicated one in its details; but the outline may shortly be stated as follows: Miss Kelly wished to sell a great part of her cattle, and advertised them in Sydney, through Messrs. Rich & Langley. The prisoner, who is a plausible and well-looking man, came up to her residence on the Manning; introduced himself as a Magistrate from Victoria; told her that he had bought the cattle from her agents; and, on the faith of this story, took up his abode in her house as a tenant, with a written contract for the *eventual* purchase of all she had. Miss Kelly, deceived by his statements, yet not entirely trusting his story, referred different people to Skerrett, respecting her cattle, and thereby enabled him to *appear to the world as the owner*. In the mean time, she had written down to Sydney for information. The reply came; but Skerrett renewed his representations, and she was then not in a position to quarrel with him. A case of cattle-stealing had been preferred against her (supposed to have been got up for the purpose), and Skerrett had become her bail. The charge came to nothing; and then she went off to Sydney, discovered the fraud, and instituted her prosecution.

In his defence, Skerrett produced a regular bill of sale of all the cattle, purporting to be signed by Miss Kelly, in consideration of £400 then paid, but which she swore was a forgery; it was witnessed by two of Skerrett's daughters, of whom one was a witness at the trial. His son was also a witness (a mere lad) to prove that Skerrett had large sums in bank notes, obtained in Melbourne, being the alleged purchase money. There were remarkable circumstances, however, to prove the signature a forgery; and one of the bank notes, said to be for £100, was stated to be of a particular bank, which was proved never to have issued notes of that amount. It was extraordinary, moreover, that Skerrett should have produced a *second* receipt for the money, purporting to be signed by Miss Kelly some weeks afterwards. This appeared to be witnessed by a man named Turner, but he absconded shortly before the trial. Miss Kelly swore that this also was a forgery. It was remarkable that the *eldest* girl, aged 19, was not a witness to the alleged bill of sale, but the two younger daughters were selected, aged 17 and 15 respectively. It was singular, too, that Skerrett should have had and kept so large a sum as £400 in cash in the bush, which cash nobody saw except his own family.

I have heard it *suggested* that the bill of sale was really genuine, but executed in fraud of the Crown, anticipating Miss Kelly's own conviction on the charge against her. On this supposition the prisoner fraudulently retained the property, but was in point of law the owner. If a fraud, however, was it likely that the purchase money would have been actually paid, as the prisoner's case at the trial made it essential to prove?

I have taken great pains, since the trial, to sift the facts, and my impressions remain unshaken. I cannot find out the prisoner's early history. He has been in all these Colonies, and it is rumoured that he came out a convict, but I do not know how the fact is. A Mr. Andrews was an important witness against him, and I have inquired into this man's character, but I have received no reply to a letter addressed by me to the Bench, on this subject and some others. Mr. Blake, of Balmain, gives Skerrett a high character in *early* days, but knows nothing of his Colonial career. On the other hand, I request attention to the letters of Mr. John Dillon, Mr. Moore Dillon, and Major Innes, particularly from the latter under date 15th July. I enclose also a letter from Mr. Plunkett, who conducted the prosecution; and I *had* a letter from the clergyman who signs Skerrett's petition, disclaiming all actual knowledge of the prisoner—but this letter has been mislaid.

I most truly regret that I cannot recommend any mitigation at present in this case.

I am, &c.,
ALFRED STEPHEN.

The Honorable
The Colonial Secretary.

Documents enclosed:—

1. Petition and note from Mrs. Skerrett.
2. A letter from Mrs. Skerrett; one from Mr. John Dillon; one from Mr. Moore Dillon; one from Mr. Plunkett; and two from Major Innes.

Governor General.—C.C., 3 Dec.
Application refused.—W.D., 4 Dec., '57. C.C., 4 Dec.

D. No. 2.

Supreme Court,
5 August, 1858.

Sir,

I return herewith the two petitions of Mrs. Skerrett, praying for a mitigation of her husband's sentence. She naturally believes him to be innocent; and it is not surprising that she has found many respectable people ready to adopt her impressions. I am somewhat startled by the assurance, to which many respectable persons have affixed their signature, that the general impression in the neighbourhood of the occurrence was in the prisoner's favour. Such a circumstance is, unquestionably, not lightly to be regarded in any quarter. I must admit, also, that I had recently tried a cause, in which Miss Kelly, the prosecutrix of Skerrett, was a witness, and that her testimony was contradicted on essential points by the defendant, whom the jury believed; and that, in fact her evidence on that occasion was, in my opinion, false. Nevertheless, false testimony in support of a litigant's own interests is of frequent occurrence, in cases where the suspicion of perjury is scarcely possible; and the difficulty in Skerrett's case is, that Miss Kelly must have been perjured if she did not speak the truth, and that the circumstances were strongly, if not conclusively, in favour of her story. My very full report on the circumstances, and which report is among the papers returned, will explain the grounds of this opinion. I cannot think it credible, in opposition to Miss Kelly's oath, that Skerrett kept so large a sum as four £100 notes in the bush, or that he would have been content with a bill of sale witnessed by his own daughters merely. Mr. Blake says, indeed, that Skerrett had in his possession, on returning from Melbourne, from 100 to 150 sovereigns. This, however, is far short

short of 400; not to mention expenditure, for his family and the like, between that period and the date of bill of sale. Neither can I believe in Skerrett's innocence, without believing also in the perjury of Mr. Andrews. Mrs. Skerrett represents the latter as a person of questionable character. He has, however, been recently made a Magistrate; and, at the time of the trial, he kept a public house. Mr. Andrews swore that Skerrett shewed him the bill of sale, and that he thereupon pointed out to Skerrett the suspicious character of the document, and some dissimilarity in Miss Kelly's signature; and thereupon Skerrett went away. Before the Magistrates he accordingly produced a second receipt, for the self same money, witnessed by a labouring man, who absconded. Miss Kelly pointed out to the jury a peculiar difference in her signature, adopted not long before the date of the bill of sale, in consequence of a forgery of her name on one of the Maitland Banks. But the signature to the bill of sale very strongly resembled her signature of a few months previous, with which Skerrett was familiar. If Skerrett had really possessed four £100 notes, would he not have been able to prove the fact? Then on the supposition that Miss Kelly really received such notes, how happened it that no effort was made to trace any of them? It is possible, to be sure, that the surmise may be correct that Miss Kelly actually signed the bill of sale without any money really passing, as a fraud on the Crown. But this was by no means the prisoner's case at the trial. He declared that the money was paid; but he unhappily specified a bank which never issued £100 notes. I retain my opinion, therefore, that Skerrett was guilty of the crime laid to his charge. At the same time, if the general opinion be, after fair means of inquiry, that the verdict was either unsatisfactory or wrong, I am far from desiring that the conclusion should be unfavourable to Mr. Skerrett. Perhaps a reference to the Manning Bench on that point might be desirable; or an inquiry into any facts which may appear to be material. My own statement as to Miss Kelly, made in this letter, may be thought very material. And, on the other hand, Skerrett's real character and history should be ascertained. I wish it to be understood that I still retain my first opinion; but that I shall be well pleased to hear that, nevertheless, this prisoner can be released, especially if compelled to quit the Colony, consistently with due regard to the interests of public justice and the community.

One Magistrate recommends the petition, because he in his wisdom thinks the sentence too severe. My answer is, that if the prisoner was guilty at all, the sentence was a light one; for he robbed an unprotected woman of all she possessed, and then added to that crime circumvention and forgery, supported by the subornation of perjury by his own child.

The Honorable
the Colonial Secretary.

I am, &c.,
ALFRED STEPHEN.

Application refused.—W.D. 9 Aug.

Being much pressed, I again referred the petition to Sir Alfred Stephen, in accordance with the Governor General's minute of 15 July. The Chief Justice's report is now submitted.—C.C. 17 Aug.

D. No. 3.

(Semi-official.)

6 August, 1853.

My dear Colonial Secretary,

As to Skerrett's case, I have every desire that effect shall be given (if thought right by those on whom the responsibility rests) to the "general opinion," should that opinion be shewn to be founded on knowledge of the real facts, and on fair consideration of the reasons for, as well as against the verdict. Will, then, those who oppose the verdict say how they reconcile with innocence the circumstances connected with the alleged four £100 notes? I have shewn my first report to one of the subscribers, and he retains his opinion against the verdict, because, though knowing nothing of Skerrett, he thinks very ill of *Miss Kelly*. But (as is too often the case, where an opinion has once been formed and expressed) that gentleman does not even *touch* the questions on which the whole decision must depend. If Skerrett's character be as bad as Miss Kelly's, why should he be believed to be less likely to commit forgery than she to commit wilful and corrupt perjury? If Skerrett's was a good character, could he not have shewn it? But, however good *his*, and bad *her's*, if it be bad, the case must after all be determined by the *probabilities*: and on which side do these lie? Is it likely that Miss Kelly really sold her cattle, signed a bill of sale for them, got four £100 notes for the sale, and yet *with those notes, if they really ever existed, traceable to her*, swore, in solemn denial of the whole, falsely? It is no question whether she was imposed on or not, but whether these facts existed or not.

Yours truly,
AD. STEPHEN.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PARRAMATTA LUNATIC ASYLUM.
(RIDER OF JURY IN THE CASE OF SCOTT *v.* HANSON & ANOTHER, RELATIVE TO TREATMENT OF MELVILLE AT.)

Ordered by the Legislative Assembly to be Printed, 11 December, 1863.

CHIEF JUSTICE to COLONIAL SECRETARY.

Supreme Court,
5 December, 1863.

SIR,

I have the honor to report to you, that the Jury in the cause of Scott *v.* Hanson and another, which terminated before me on Tuesday night last, attached a rider to the verdict of the majority, in the terms subjoined.

I have, &c.,
ALFRED STEPHEN.

“THE Jury are unanimous in this opinion, that the treatment of Melville at the Parramatta Lunatic Asylum, as represented by many of the witnesses, was highly censurable, and calls for investigation at the hands of the Executive.”

1863.

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES.

MR. ARTHUR ARLINGTON ABBOTT.
(PETITION OF.)

Ordered by the Legislative Assembly to be Printed, 31 July, 1863.

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

The Petition of Arthur Arlington Abbott, late Sub-Inspector of New South
Wales Police,—

HUMBLY SHEWETH :—

That your Petitioner was appointed Sub-Inspector of Police, 1st March, 1862, and was ordered to proceed to Wee Waa Station, North-western District, under Mr. Garland, the Superintendent at Tamworth.

That no just complaints ever reached your Petitioner's ears respecting his conduct or efficiency, but in February last your Petitioner was ordered to hand over charge of his station to a constable, and to go to Tamworth.

That your Petitioner was there shewn a correspondence which had taken place between your Petitioner and his Superintendent, with a letter from the Inspector General of Police to the Honorable the Colonial Secretary, in which your Petitioner was charged with incompetency, and upon which letter the Honorable the Colonial Secretary attached a memo. offering your Petitioner an opportunity of resigning.

That your Petitioner applied for leave to visit Sydney, that he might be enabled to rebut any charges that could be brought against him, to which application he could obtain no satisfactory answer.

That your Petitioner was unnecessarily detained in Tamworth, in a degraded state of suspense, for four months, without receiving any pay or allowances.

That your Petitioner was refused quarters in the Police Barracks at Tamworth, and was in no way acknowledged as a police officer.

That your Petitioner memorialized His Excellency the Governor, for an inquiry into the circumstances which led to this treatment of your Petitioner, but that such inquiry has not been granted.

That your Petitioner has since been removed from the Police Force, on a charge of incompetency, which your Petitioner asserts to be wholly groundless.

That your Petitioner cannot obtain satisfactory information as to the cause of his dismissal, either at the Inspector General's Office or from the Honorable the Colonial Secretary.

That your Petitioner is, by the rules of the service, allowed conveyance of two hundred weight of baggage, but that such transfer between Narrabri and Tamworth was refused, and thus your Petitioner is greatly delayed in leaving the Colony.

That your Petitioner feels most acutely that an act of gross injustice has been done him, but whether your Petitioner has been sacrificed through malicious representations to the Government, or from what other cause, your Petitioner is unable to say.

Your Petitioner therefore humbly prays, that your Honorable House will call for the correspondence to be laid upon the Table, and cause inquiry to be made as to the manner in which your Petitioner has been treated.

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

ARTHUR ARLINGTON ABBOTT,
Late Sub-Inspector of Police.

*Petty's Hotel,
Sydney, 16 July, 1863.*

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

INSECURITY OF LIFE AND PROPERTY AT
BURRANGONG.

(PETITION—BURRANGONG.)

Ordered by the Legislative Assembly to be Printed, 22 July, 1863.

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

The Petition of the undersigned Traders, Miners, and others, residing on the
Burrangong Gold Fields,—

HUMBLY SHEWETH:—

1st. That for nearly two years this district has been infested by a gang of ruffians, who have taken every opportunity to rob and plunder its inhabitants of their property, and, when resisted, to cruelly and brutally murder them.

2nd. That many thousand pounds worth of property have thus been forcibly taken by robberies of the person, of stores and dwellings, and of carriers intrusted with goods for transmission to the various places of business within this district.

3rd. That two cruel and brutal murders have been perpetrated in broad daylight on the Sabbath day, namely, Mr. A. V. Cirkel, a storekeeper, residing on Stony Creek, four miles from the town of Young, who was shot dead by two armed men, in his own house, in February, 1863; and Mr. John M'Bride, a highly respected miner, residing at the Twelve-mile Rush on this gold field, who was mortally wounded by two armed men, on the public highway, about seven miles from Young, on the 21st day of June, 1863.

4th. That so reckless and daring have these ruffians become, that they have, within the last few weeks, plundered six stores situated within one mile and a quarter of the police camp at Young; in one instance, namely, at the stores of Messrs. J. M'Connell & Co., firing twenty-two gunshots through their store, to the imminent risk and danger of the lives of the persons residing in it.

5th. That robberies of the person have become so common, that your Petitioners are compelled to submit to them as an inevitable infliction, and suffer great personal inconvenience and danger in transacting their ordinary business.

6th. That your Petitioners have, at various times, in public meeting assembled, asked the Executive Government to afford proper protection to life and property, by providing an adequate and efficient police force, to repress the crime of bushranging now so extensively and systematically perpetrated.

7th. That immediately after Mr. Cirkel's murder, the inhabitants of this gold field tendered their services to the Government as special constables, either to do duty in the town of Young, and thus relieve every constable for "bush duty," or to supplement the number of constables available for bush duty, and so enable the Inspector in charge of this district to take efficient steps to capture the bushrangers who infest it, and restore that protection to life and property which should be characteristic of every British community.

8th. That the Government refused to accept the services thus offered; alleging, as a reason, that they had instructed Mr. Zouch, Superintendent of Police for this district, to proceed to Young with an additional police force, and remain until order was restored.

9th. That Mr. Superintendent Zouch arrived here with five extra constables, but his measures have not had the effect of diminishing bushranging, as is evidenced by the murder and robbery of Mr. John M'Bride, and the many other robberies now of daily occurrence.

10th. That your Petitioners consider the extent to which bushranging has increased, is wholly attributable to the defective organization of the police force, by which every incentive is withheld from the constable to diligently discharge his duty, and risk his life in the apprehension

2 INSECURITY OF LIFE AND PROPERTY AT BURRANGONG.—PETITION.

apprehension of notorious offenders, by the grossly unfair manner in which promotion to the inferior grade of officer is carried out, and the regulation of the force which provides that all rewards shall be added to the "Police Reward Fund."

11th. That another great defect in the organization of the police force is the manner of equipment—being so heavy, cumbersome, and defective, as to entirely deprive them of making any quick movement in pursuit of bushrangers, and that spirit of centralization which pervades the whole of the "Regulations of the Police Force," preventing any instant independent action being taken without reference to a gradation of superior officers.

12th. That your Petitioners hope that your Honorable House will consider and devise some effective and stringent measures, to restrain the occupants of Crown lands in this district from harbouring the gang of ruffians who infest it.

13th. That your Petitioners view with deep regret the inopportune removal from this district of that energetic and indefatigable officer, Captain Battye, whom they feel assured would, if a sufficient force had been placed under his command, have rid this district of many of the ruffians who now infest, at will, throughout it, marking their tracks with deeds of blood and violence.

14th. That your Petitioners are thus compelled to seek the aid of your Honorable House, in having afforded to them that protection to life and property which they are entitled to by the laws of the Colony, despairing of receiving it from the Executive Government, who have treated their representations with silence, compelling them, in pure self-preservation, to almost take the law into their own hands, and thus bring disgrace on the Colony, its institutions, and its rulers.

Your Petitioners, therefore, humbly pray that your Honorable House will favourably consider the serious grievance which they are suffering under, and devise such measures as will restore that confidence in the laws of the Colony, if properly administered, to repress crime, and afford that protection to life and property which they have a right to demand, but which does not at the present time exist in this district.

And, as in duty bound, will ever pray.

JOSEPH M'CONNELL,
Chairman of a Meeting numbering about 900 persons,
at which the Petition was adopted.

[Here follow 253 Signatures.]

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ROBBERIES.

(RETURN RELATIVE TO HIGHWAY, MAIL, AND STORE ROBBERIES REPORTED TO THE POLICE SINCE 20 OCTOBER 1863.)

Ordered by the Legislative Assembly to be Printed, 29 December, 1863.

RETURN of the number of Highway, Mail, and Store Robberies, with Violence, reported to the Police since the 20th October, 1863.

DATE.	NAME OF PERSON ROBBED.	OFFENCE.	REMARKS.
1863.			
20 October ..	Edward Brown, Gotlieb Scoffel.	Highway robbery with arms, Eastern Creek.	
23 ..	Julius Bradall	Do. Woodside.	
23 ..	Joseph Hobbs, Charles Townsend, Richard Sharp.	Do. Dividing Ranges	Doubtful case. Complainants, who reported having been robbed of more than £100, borrowed a few shillings from a publican a short time previous to the robbery.
24 ..	Commissioner Keightley	House robbery with arms, Duns Plains	Bourke shot.
25 ..	Thomas Lockwood ..	Robbery with violence, Sydney ..	No foundation whatever for the report.
27 ..	George Richardson ..	Highway robbery with arms, Upper Adelong.	
28 ..	Ah Kem (Chinese) ..	Do., Gilmore Creek	Four offenders arrested and discharged; complainant arrested for perjury.
31 ..	Mr. Marguill	Store robbery, Brooks Creek.	
31 ..	Alexander Frazer ..	Do., Gundaroo	Two offenders arrested at Tumberumba.
3 November..	Gibson's station	Near Albury, store robbery.	
3 ..	Mrs. Cannon	House robbery with arms, at Merrendee	
3 ..	Mrs. Fitzpatrick ..	Do., do.	
6 ..	Chinaman, name unknown	Highway robbery with arms, Jemai-cumbene.	Offender arrested by Goulburn police.
6 ..	Name unknown	Shepherd's hut at Boree.	
6 ..	Thomas Williams ..	Highway robbery with arms, O'Connell Plains.	
12 ..	William Townsend ..	Store robberies, Dalton, Jerrawa Creek	
12 ..	William Brown	Do., do.	
12 ..	John Wheatley	Do., do.	
12 ..	William Howard	Highway robbery at Rockley	From inquiries made by the police, there appears to be no foundation whatever for this report.
14 ..	William Saville !. ..	Robbery and attempted murder on the Liverpool Road.	Offender, Thomas M'Cann, arrested, convicted, and sentenced to death.
16 ..	Fredk. Munoz, mailman..	Attempted robbery of the Tuena horse mail.	Doubtful case.
18 ..	Dr. Chas. Muller, Mr. Alfred Rose, Mr. Wood, Mr. Sidwell, and a number of carriers.	Highway robbery with arms, near Goulburn.	Two offenders arrested.
19 ..	George Veitch	Do., do., near Goulburn	Doubtful case.
19 ..	David Hy. Campbell ..	House robbery, &c., with arms, Goimbla	O'Meally shot.

ROBBERIES.

DATE.	NAME OF PERSON ROBBED.	OFFENCE.	REMARKS.
1863. 30 November..	George Munro, William Ross.	Highway robbery with arms, between Tambaroora and Sofala.	Doubtful case.
2 December..	James Coffee	House robbery with arms, Burrowa ..	This man was subsequently arrested, having in his possession bank notes forcibly obtained for the ransom of Mr. Keightley.
5	Burrowa and Binalong mail.	Mail robbery	One man on the mail whom the offenders did not rob; they gave the mailman a large gold watch to give to Mr. Scott, Burrowa.
9	Yass and Binalong mail..	Do.	
17	Denis Lynch, Thomas Euston, Richd. Ryalls, Patrick Cush, Edward Wiseman.	Robbery with arms, Gunning Road, 20 miles from Burrowa.	
17	Merriwa mail	Mail robbery.	
18	James Phipps, James Grant, William Baxter.	Highway robbery with arms, Sydney Road.	Four offenders arrested and discharged; complainants unable to identify.
20	Tamworth and Murrurundi mail.	Mail robbery.	
21	Toll-bar, near West Maitland.	House robbery with arms	Police pursued and fired upon the offender, who being too well mounted, escaped.

NUMBER of Offences reported to the Police, including doubtful cases.

HIGHWAY ROBBERIES.	MAIL ROBBERIES.	HOUSE AND STORE ROBBERIES.	TOTAL.
15	5	13	33

JNO. McCLERIE,
I. G. P.

[Price, 3d.]

1863.

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"—FURTHER RETURNS RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 9 July, 1863.

FURTHER RETURN 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 shewing 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 Regulation 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. Sadleir.)

P O L I C E .

INSPECTOR GENERAL OF POLICE to THE UNDER SECRETARY.

*Police Department,
Inspector General's Office,
Sydney, 8 July, 1863.*

SIR,

Adverting to the second paragraph of the letter from this Office, dated the 8th of October last, respecting certain Criminal Statistics, ordered by the Legislative Assembly, upon the motion of Mr. Sadleir, M.P., I have now the honor to transmit the returns, and to explain that the information, in a complete form, was not received from the officers of Police in charge of the various districts until after the close of the last Session of Parliament.

2. To afford further information as regards the operations of the Police during last year, I also beg leave to submit a return of all offenders apprehended by the Police for serious charges, up to the 31st December last.

I have, &c.,

EDMUND FOSBERY,
(For and in the absence of Insp. Genl. of Police.)

(1.)

A RETURN shewing the number of Mail Robberies—the number of Robberies on Travellers—the number of Houses plundered by Bushrangers, from 1st January, 1862, to 30th September, 1862.

Number of Mail Robberies.	Number of Robberies on Travellers.	Number of Houses plundered by Bushrangers.
8	45	9

*Police Department,
Inspector General's Office,
Sydney, 8 July, 1863.*

(2.)

A RETURN shewing the number of Bushrangers captured by the Police alone, or Police assisted—the number of such characters who have escaped from custody, and whose custody—and the number of Convictions, from 1st January to 30th September, 1862.

Number of Bushrangers captured by the Police alone, or Police assisted.	Number of such characters who have escaped from custody, and whose custody.	Number of Convictions.
129 (That is apprehended, charged with the before-mentioned offences.)	2 broke out of insecure lock-up. 1 escaped from Escort. 2 rescued from Police.	63 (For offences previously specified.)

*Police Department,
Inspector General's Office,
Sydney, 8 July, 1863.*

RETURN

[Price, 3d.]

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

POLICE DISTRICT.	Murder, and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbery from Stores, Dwellings, &c.				Forgery, Embezzlement, &c.				Horse and Cattle Stealing.				Arson and other Wilful Damage.				Other Felonies.			
	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
Metropolitan	2	1	1	1	4	2	2	2	369	52	25	112	422	63	265	157	21	20	18	3	6	3	3	3	97	11	70	27	226	89	104	122
Eastern	8	3	1	5	5	1	..	4	29	15	11	15	69	11	45	22	7	6	4	2	15	7	3	8	11	1	5	6	53	8	27	23
South-eastern	17	16	11	6	64	16	20	44	70	10	50	20	107	42	71	36	19	2	2	17	89	40	31	58	7	..	1	6	81	15	55	26
Southern	6	1	1	5	19	3	3	15	20	14	14	6	26	13	13	13	3	2	2	1	32	18	21	15	4	2	2	2	67	37	44	31
South-western	15	9	2	10	1	..	..	1	20	8	13	6	14	9	6	4	6	1	4	1	9	5	5	3	6	1	2	3	8	5	5	1
Murray	1	1	1	..	..	..	..	..	..	..	..	..	8	2	1	5	1	1	1	..	7	2	1	6	1	..	1	..	12	3	4	2
Western	9	7	7	2	65	25	14	51	101	45	40	61	80	35	26	54	21	14	5	16	67	31	27	40	16	6	5	11	40	15	15	25
Lachlan	6	4	4	2	21	6	2	19	170	7	104	66	61	12	38	23	10	5	3	7	23	4	4	19	14	..	11	3	108	15	55	53
North-eastern	5	3	..	2	5	2	..	3	340	13	200	127	47	15	16	16	10	6	1	3	35	23	..	12	4	..	..	4	88	15	20	53
North-western	3	..	1	2	..	..	..	..	6	..	2	4	4	..	1	3	6	..	1	5	28	..	9	19	..	..	..	..	1	1	..	1
Northern	2	2	1	1	..	..	..	..	16	8	8	8	21	12	12	9	7	6	5	2	19	11	11	8	1	1	..	..	21	13	11	10
Detectives	5	1	1	4	5	2	2	3	8	..	7	1	17	11	5	12	5	3	3	2	1	1	..	1	..	..	..	..	63	14	49	14
TOTAL	79	48	31	40	139	57	43	142	1,149	172	474	426	876	225	499	354	116	66	49	59	331	145	115	192	161	22	97	62	768	230	389	361

Sydney: Thomas Richards, Government Printer.—1863.

POLICE.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

POLICE.

(RETURN OF APPREHENSIONS, COMMITTALS, CONVICTIONS, AND DISCHARGES, TO 31 DECEMBER, 1862.)

Ordered by the Legislative Assembly to be Printed, 22 July, 1863.

METROPOLITAN DISTRICT.

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbing from Stores, Dwellings, &c.				Forgery, Embezzlement, &c.				Horse and Cattle Stealing, &c.				Arson and other Wilful Damage.				Other Felonies.			
App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
2	1	1	1	4	2	2	2	369	52	257	112	422	63	265	157	21	20	18	3	6	3	3	3	97	11	70	27	226	89	104	122

NOTE.—The Prisoners arrested by the Detective Police are included in this Return.

GEO. READ,
Sub-Inspector in Charge.

EASTERN DISTRICT.

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbing from Stores, Dwellings, &c.				Forgery, Embezzlement, &c.				Horse and Cattle Stealing, &c.				Arson and other Wilful Damage, &c.				Other Felonies.			
App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
8	3	1	5	5	1	..	4	29	15	11	15	69	11	45	22	7	6	4	2	15	7	3	8	11	1	5	6	53	8	27	23

WM. CHATFIELD,
Superintendent Eastern District.

11/4/63.

SOUTH-EASTERN DISTRICT.

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbing from Stores, Dwellings, &c.				Forgery, Embezzlement, &c.				Horse and Cattle Stealing, &c.				Arson and other Wilful Damage, &c.				Other Felonies.			
App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
17	16	11	6	64	16	20	44	70	10	50	20	107	42	71	36	19	2	2	17	89	40	31	58	7	..	1	6	81	15	55	26

NOTE.—The difference between the number of Committals and Convictions is accounted for by the number of Summary Convictions.

Young, May —, 1863.

HY. ZOUCH,
Superintendent of Police,
South-eastern District.

SOUTHERN DISTRICT.

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbery from Stores, Dwellings, &c.				Forgery, Embezzlement, &c.				Horse and Cattle Stealing, &c.				Arson and other Wilful Offences.				Other Felonies.			
App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
6	1	1	5	19	3	3	15	20	14	14	6	26	13	13	13	3	2	2	1	32	18	21	15	4	2	2	2	67	37	44	31

Head Quarters,
Cooma, May 15, 1863.

GEO. MARKHAM,
Superintendent.

SOUTH-WESTERN DISTRICT.

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbing from Stores, Dwellings, &c.				Forgery, Embezzlement, &c.				Horse and Cattle Stealing, &c.				Arson and other Wilful Damage, &c.				Other Felonies.			
App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
15	*9	2	10	1	..	..	1	20	8	13	6	14	9	6	4	†6	1	4	1	9	5	5	3	6	1	2	3	8	5	5	1

* Two escaped from custody.

† One given over to Victorian Police.

Deniliquin, 29/4/63.

T. B. CARNE,
Superintendent of Police,
South-western District.

POLICE.

MURRAY DISTRICT.

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbing from Stores, Dwellings, &c.				Forgery, Embezzlement, &c.				Horse and Cattle Stealing, &c.				Arson and other Wilful Damage, &c.				Other Felonies.			
App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
1	1	1	..	..	..	..	..	..	..	..	..	8	2	1	5	1	1	1	..	7	2	1	6	1	..	1	..	12	3	4	2

NOTE:—This includes only that part of the district formerly under the command of Supt. Zouch. The Returns for that part, handed over by Supt. Carne, have been forwarded to him according to a communication received from him stating that such was the Inspector General's order.

Albury, 24/4/63.

RICH. T. CREAGHE, Clerk,
(Pro Superintendent.)

WESTERN DISTRICT.

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbing from Stores, Dwellings, &c.				Forgery, Embezzlement, &c.				Horse and Cattle Stealing, &c.				Arson, and other Wilful Damage, &c.				Other Felonies.			
App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
4	4	4	..	41	16	9	32	50	29	28	22	44	24	20	24	12	7	5	7	32	19	16	16	14	4	3	11	24	7	7	17
5	3	3	2	24	9	5	19	51	16	12	39	36	11	6	30	9	7	..	9	35	12	11	24	2	2	2	..	16	8	8	8*
9	7	7	2	65	25	14	51	101	45	40	61	80	35	26	54	21	14	5	16	67	31	27	40	16	6	5	11	40	15	15	25

* Mr. Bruyeres' list having been added, this return is now complete, and forwarded herewith to the Inspector General of Police.—E. MORISSET, S. W. D.—13/5/63.

E. MORISSET,
Superintendent Western District, H. Division.

LACHLAN DISTRICT.

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbing from Stores, Dwellings, &c.				Forgery, Embezzlement, &c.				Horse and Cattle Stealing, &c.				Arson, and other Wilful Damage, &c.				Other Felonies.			
App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
6	4	4	2	21	6	2	19	170	7	104	66	61	12	38	23	10	5	3	7	23	4	4	19	14	0	11	3	108	15	55	53

C. SANDERSON,
Sub-Inspector, (for Superintendent.)

NORTH-EASTERN DISTRICT.

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbing from Stores, Dwellings, &c.				Forgery and Embezzlement, &c.				Horse and Cattle Stealing.				Arson and other Wilful Damage.				Other Felonies.			
App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
5	3	..	2	5	2	..	3	340	13	200	127	47	15	16	16	10	6	1	3	35	23	..	12	4	..	..	4	88	15	20	53

Head Quarters, Police N. E. D.,
30 April, 1863.

CRITCHETT WALKER,
Inspector in Charge.

NORTH-

POLICE.

NORTH-WESTERN DISTRICT.

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbing from Stores, Dwellings, &c.				Forgery, Embezzlement, &c.				Horse and Cattle Stealing, &c.				Arson and other Wilful Damage.				Other Felonies.			
App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
3	..	1	2	..	..	..	..	6	..	2	4	4	..	1	3	6	..	1	5	28	..	9	19	..	..	..	..	1	..	..	1

THOS. LUTHER, I. & C.,
(For and in the absence of the Superintendent K. Division.)

NORTHERN DISTRICT.

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbing from Stores, Dwellings, &c.				Forgery, Embezzlement, &c.				Horse and Cattle Stealing, &c.				Arson and other Wilful Damage, &c.				Other Felonies.			
App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
2	2	1	1	..	..	..	..	16	8	8	8	21	12	12	9	7	6	5	2	19	11	11	8	1	1	..	..	21	13	11	10

C. T. P. LYDIARD,
Inspector.

GRAFTON SUB-DISTRICT (INCLUDING CASINO, LISMORE, BALLINA, TABULAM, AND GRAFTON.)

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assaults with intent, and other Offences against the person.				Burglary, Robbing from Stores, Dwellings, &c.				Forgery, Embezzlement, &c.				Horse and Cattle Stealing, &c.				Arson and other Wilful Damage, &c.				Other Felonies.			
App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
..	7	4	4	3	4	3	3	1	3	3	3	..	3	1	2	1	1	1	..	..	6	2	2	4

A. GALBRAITH,
Acting Sub-Inspector.

NEW SOUTH WALES—(DETECTIVE POLICE.)

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbery from Stores, Dwellings, &c.				Forgery and Embezzlement.				Horse and Cattle Stealing.				Arson and other Wilful Damage.				Other Felonies.			
App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
5	1	1	4	5	2	2	3	8	..	7	1	17	11	5	12	5	3	3	2	1	1	..	1	..	..	..	..	63	14	49	14

NOTE.—The arrests made by the Detective Police serving up the country are not included in the above Return.

RETURN

RETURN of the Number of Apprehensions, Committals, Convictions, and Discharges, for the undermentioned Offences, for the ten Months ending 31st December, 1862.

[Price, 6d.]

Sydney: Thomas Richards, Government Printer.—1862.

POLICE DISTRICTS.	Murder and other Capital Offences.				Highway Robbery with Arms, Mail Robberies, &c.				Manslaughter, Assault with intent, and other Offences against the person.				Burglary, Robbing from Stores, Dwellings, &c.				Forgery, Embezzlement, &c.				Horse and Cattle Stealing, &c.				Arson and other Wilful Damage.				Other Felonies.			
	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.	App.	Com.	Con.	Dis.
Metropolitan	2	1	1	1	4	2	2	2	369	52	25	112	422	63	265	157	21	20	18	3	6	3	3	3	97	11	70	27	226	89	104	122
Eastern	8	3	1	5	5	1	..	4	29	15	11	15	69	11	45	22	7	6	4	2	15	7	3	8	11	1	5	6	53	8	27	23
South-eastern	17	16	11	6	64	16	20	44	70	10	50	20	107	42	71	36	19	2	2	17	89	40	31	58	7	..	1	6	81	15	55	26
Southern	6	1	1	5	19	3	3	15	20	14	14	6	26	13	13	13	3	2	2	1	32	18	21	15	4	2	2	2	67	37	44	31
South-western	15	9	2	10	1	..	..	1	20	8	13	6	14	9	6	4	6	1	4	1	9	5	5	3	6	1	2	3	8	5	5	1
Murray	1	1	1	..	..	..	..	..	..	..	..	..	8	2	1	5	1	1	1	..	7	2	1	6	1	..	1	..	12	3	4	2
Western	9	7	7	2	65	25	14	51	101	45	40	61	80	35	26	54	21	14	5	16	67	31	27	40	16	6	5	11	40	15	15	25
Lachlan	6	4	4	2	21	6	2	19	170	7	104	66	61	12	38	23	10	5	3	7	23	4	4	19	14	..	11	3	108	15	55	53
North-eastern	5	3	..	2	5	2	..	3	340	13	200	127	47	15	16	16	10	6	1	3	35	23	..	12	4	..	..	4	88	15	20	53
North-western	3	..	1	2	..	..	..	..	6	..	2	4	4	..	1	3	6	..	1	5	28	..	9	19	..	..	..	..	1	1	..	1
Northern	2	2	1	1	..	..	..	..	16	8	8	8	21	12	12	9	7	6	5	2	19	11	11	8	1	1	..	..	21	13	11	10
Detectives	5	1	1	4	5	2	2	3	8	..	7	1	17	11	5	12	5	3	3	2	1	1	..	1	..	..	..	..	63	14	49	14
TOTAL	79	48	31	40	189	57	43	142	1,149	172	474*	426	876	225	499*	354	116	66	49	59	331	145	115	192	161	22	97*	62	768	230	389*	361

* N.B.—For these offences part of the prisoners were not committed, but summarily convicted.

JNO. McLERIE,
Inspector General of Police.

POLICE.

883

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POLICE.

(LETTERS EXPLANATORY OF RETURNS OF APPREHENSIONS, COMMITTALS, AND DISCHARGES.)

Ordered by the Legislative Assembly to be Printed, 24 July, 1863.

INSPECTOR GENERAL OF POLICE to PRINCIPAL UNDER SECRETARY.

*Police Department,
Inspector General's Office,
Sydney, 23 July, 1863.*

SIR,

With reference to the return of offenders apprehended and dealt with during the ten months ending the 31st December, 1862, and furnished from this office, I do myself the honor to report that the statement was merely a compilation from the certified returns furnished by the Superintendents of Police in charge of the districts specified.

Although it cannot be expected that the police officers should have material at hand (especially for the period in question) of such a reliable nature as that in the possession of the Registrar General or the Sheriff, who have the original returns of the convictions at the several Courts, yet I am satisfied it will be found that the officers of police have not made any statements which are not substantially correct, notwithstanding that there may be seeming inconsistencies in the figures, which can doubtless be explained as arising from a variety of causes.

I can only express my regret that circumstances did not allow of more detailed and perfect statistics being laid before you, compiled from indisputable data, and affording information of a more comprehensive and useful nature. It is intended to take steps for the preparation of such returns in future, but you are doubtless aware that other more pressing duties have hitherto absorbed attention, and, moreover, that it is a work of a very laborious nature. From my own knowledge, I can mention that the compilation of such statistics, submitted to Parliament in Victoria, occupies the entire time of two clerks, besides entailing a large amount of work on the police in country districts.

A radical misapprehension appears to exist as regards the return the accuracy of which is now disputed; it is not a statement of felonies alone, or of offences dealt with by superior courts only, and this is evident on the face of it—by far the greater portion of the offences have been summarily dealt with in Petty Sessions. I say this is evident, inasmuch as there are in all only 965 committals, and of course it follows that only a part of that number of offenders were convicted of the more serious offences; and I learn from the Sheriff that there were 511 convictions in the year 1862, exclusive of those at four Courts named in the margin, the particulars of which have not been received.

I gather from the Victoria Statistics for 1861, that there were 1,283 offenders committed for trial, but only 744 convictions.

The proportion that the convictions bear to the committals is therefore about equal in each Colony.

That trivial offences have not been included in the return furnished by this department is evident, as the total number of apprehensions stated for the whole Colony is only 3,669, whilst there were nearly 5,000 prisoners taken into custody during the period in question, in the Metropolitan District alone. In Victoria, the total number of prisoners arrested by the police, for all offences, in 1861, was upwards of 25,000.

In accordance with your instructions, I have written a circular to all Superintendents of Police, requesting them to inform me, as soon as possible, if, after again going over their figures, they are still in a position to certify to their correctness, also requesting that the summary convictions may be distinguished from others, and that the heads of the offences may be given more in detail.

Though, as I have previously stated, I believe the return will be found substantially correct, yet I think it right to observe that it was obtained more with the view of giving an idea of the operations of the police than for any statistical object, as, to be of service for general purposes, details are requisite which the police were not in a position to supply for the period in question.

I have, &c.,
EDMUND FOSBERY, Secretary.
(For and in absence of Inspector General of Police.)

[Enclosure 1.]

Return of Committals, Convictions, &c.

No. 93.
(Circular.)

*Police Department,
Inspector General's Office,
Sydney, 26 March, 1863.*

Sir,

To enable me to form an idea of the operations of the police during the past year, in effecting apprehensions and obtaining convictions, I should feel much obliged by your obtaining and furnishing me—not later than the end of next month—with the particulars specified in the form enclosed, as regards the district now under your command. Of course it cannot be expected that the figures should be perfectly accurate, but they will be near enough to answer the purpose required.

I shall thank you to give this request your early attention.

I have, &c.,
JNO. M'LERIE,
Inspector General of Police.

The Superintendent of Police.

[Enclosure 2.]

Urgent.
No. 117.
(Circular.)

*Police Department,
Inspector General's Office,
Sydney, 23 July, 1863.*

Sir,

The accuracy of the statement compiled in this office, from the returns of apprehensions, &c., for the ten months ending the 31st December, 1862, furnished by officers in charge of districts (in compliance with the request conveyed in circular No. 93, dated the 26th March last), having been disputed, I have the honor to request that you will again refer to your figures and the data upon which they were compiled, and inform me, with the least possible delay, if you can still certify to the correctness of your return, or if you can discover any inaccuracy in the same, in which case an explanation should be afforded, and also a note should be added to make clear any apparent inconsistency in the figures.

I should also be glad if you would distinguish, in red ink, how many of the convictions under each head were summary, in cases dealt with before Petty Sessions only; and it would also be desirable that the headings of the various offences should be stated more in detail.

It is of importance that this information should be afforded to me with the utmost despatch, as the subject is now under the consideration of Parliament.

I annex a printed copy of the statement referred to.

I have, &c.,
EDMUND FOSBERY,
(For and in absence of Inspector General of Police.)

The Superintendent of Police.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POLICE.

(GENERAL INSTRUCTIONS TO, ISSUED BY THE INSPECTOR GENERAL.)

*Ordered by the Legislative Assembly to be Printed, 3 September, 1863.**The following Instructions for the guidance of the Members of the Police Force, in the performance of their duty, are published by the Inspector General.*

1. It is intended here to state such parts of the law relating to the office of constable, as may be sufficient for the general instruction of the Police Force.
2. Each individual will bear in mind the extreme importance of making himself perfectly acquainted with this subject, as it is necessary to enable him, with a due regard to his own safety, to act efficiently for the protection of the public.
3. It is specially necessary to take care that newly appointed constables do not form false notions of their duties and powers.
4. The powers of a constable, as will appear hereafter, are, when properly understood and duly executed, amply sufficient for their purpose. He is regarded as the legitimate peace officer of his district, and both by the Common Law and by many Acts of the Legislature he is invested with considerable powers, and has imposed on him the discharge of many important duties.
5. He is in many cases authorized and required, in the execution of his office, to arrest a party charged with or suspected to be guilty of some offence, to enter a house in pursuit of an offender, to quiet an affray, to search for stolen goods, to take possession of goods suspected to have been stolen.
6. It therefore becomes necessary that the constable should inform himself in what cases he ought so to interfere, and what legal powers he possesses to effect the object in case he meets with resistance. To assist the police constables in the discharge of their duties, the following observations are prepared for their attentive perusal and study.
7. It will be first shewn for what offences of more ordinary occurrence a party may be arrested and detained in custody. With this object, offences may be divided into "felonies" and "misdemeanours."
8. Murder, rape, housebreaking, robbery, picking pockets, receiving stolen goods knowing them to have been stolen, assaulting any one with intent to rob, wounding, &c., with intent to do murder or some grievous bodily harm, setting fire to any church, house, or other building, are some of the principal felonies, besides a great many more too numerous to be inserted here.
9. Persons guilty of any of these offences are called felons.
10. Slighter offences, such as common assaults, affrays and riots, and various kinds of fraud, with numerous other offences, are called misdemeanours.
11. As it is more important to prevent and punish the commission of great crimes than of the lesser offences, the constable has a greater power in cases of felonies than in those of mere misdemeanours.
12. But the first duty of a constable is always to *prevent* the commission of crime.
13. A constable, by his appointment as such, has power to arrest, without warrant from a Magistrate, a party whom from his situation and character the law judges to be likely to commit some felony, and persons found in the commission, charged with, or suspected of certain offences.
14. The constable may arrest any one whom he has just cause to suspect to be about to commit a felony; thus when a drunken person or a man in a violent passion threatens the life of another, the constable should interfere and arrest.
15. He should arrest any person having in his possession any picklock, key, crow, jack, bit, or other implement with intent feloniously to break into any dwelling-house, warehouse, coach-house, stable, or out-building; or any person armed with any gun, pistol, hanger, cutlass, bludgeon, or offensive weapon, or having upon him any instrument with intent to commit any felonious act.

16. Every person found in or upon any dwelling-house, warehouse, coach-house, out-house, or stable, or in any enclosed yard, garden, or area, or found in and on board any vessel when lying in any place within this Colony, for any unlawful purpose; every suspected person or reputed thief frequenting any river, canal, or navigable stream, dock or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony.

17. If any party threaten another with immediate personal violence or offer to strike, the constable should interfere and prevent a breach of the peace; if one draw a weapon upon another, attempting to strike, the constable should take him into custody; if persons are merely quarrelling or insulting each other, the constable has in general no right to take them into custody, but should be ready to prevent a breach of the peace.

18. In cases where an offence has not been actually committed, the constable must judge from the situation and behaviour of the party what his intention is; in some cases no doubt can exist, as when the party is a notorious thief, or acting with those who are thieves, or when the party is seen to try peoples pockets in a crowd, or to attempt to break into a house, or to endeavour to take any property secretly from another; the constable must not act hastily in case the intention is not clear, but content himself with watching closely the suspected party that he may discover his design.

19. The constable must arrest any one whom he sees in the act of committing a felony, or any one whom another positively charges with having committed a felony, or whom another suspects of having committed a felony, if the suspicion appear to the constable to be well founded, and provided the person so suspecting go with the constable.

20. Though no charge be made, yet if the constable suspects a person to have committed a felony, he should arrest him, and if he have reasonable grounds for his suspicion he will be justified even though it should afterwards appear that no felony was in fact committed; but the constable must be very cautious in thus acting upon his own suspicions.

21. Generally if the arrest was made discreetly and fairly in pursuit of an offender, and not from any private motive or ill will, the constable need not doubt that the law will protect him.

22. On the apprehension of any party for felony, if there is any reason to believe that any property connected with the felony will be found in the house or place in which the prisoner last resided, the arresting constable should in the presence of the party so arrested, search the premises he (the prisoner) has been occupying, and open any boxes, cases, or other receptacle of property belonging to the prisoner.

23. Every member of the Police Force should do all in his power to prevent fraud upon the Revenue by evading the Acts for the regulation of Her Majesty's Customs, the Licensed Publicans, and Licensed Distilleries Acts, &c., for which purpose they will pay particular attention to the provisions of those Acts.

24. If after sunset, and before sunrise, the constable shall see any one carrying a bundle of goods which he suspects were stolen, he should stop and examine the person, and may detain him; but here also he should judge from circumstances, such as the appearance and manner of the party, his account of himself and the like, whether he really has stolen goods in his possession, before he actually takes him into custody.

25. He may also arrest any person whom he may find between sunset and sunrise lying or loitering in any highway, yard, or other place, and not giving a satisfactory account of himself.

26. The constable when justified in making an arrest, must use every exertion to effect it, and the law gives him abundant power for the purpose. If the felon or party accused of felony fly, he may be immediately followed wherever he goes, and if he takes refuge in a house the constable may break open the doors, if necessary to get in, first stating who he is and his business; but the breaking open outer doors is so dangerous a proceeding, that the constable should never resort to it except in extreme cases, and when an immediate arrest is necessary.

27. There are some cases in which a constable may and ought to break into a house, although no felony has been committed, when the necessity of the case will not admit of delay, as when persons are fighting furiously in a house, or when a house has been entered by others with a felonious intent, and a felony will probably be committed unless the constable interferes, and there is no other means of entering. Except in such cases it is better, in general, that the constable should wait till he has a warrant from a Magistrate for the purpose.

28. If a constable find his exertions insufficient to effect the arrest, he ought to require all persons present to assist him, and they are bound to do so, on his stating that he is a constable and his lawful authority for what he is doing.

29. If a prisoner, on whatever charge lawfully taken, should escape, he may be retaken, and in immediate pursuit the constable may follow him into any place or any house, and if the escaped prisoner take refuge in a house, the doors may be broken open after demand of admission, and after notification by the constable of his office and object in coming.

30. In cases of misdemeanour the powers of the constable are not so extensive; he cannot generally arrest without a warrant, unless for offences committed within his own view, and when the arrest is specially authorized by law; and in executing the warrant and pursuing the offender he must be specially careful to act with the greatest forbearance.

31. In cases of actual breaches of the peace, as riots, affrays, assaults, and the like, committed within the view of the constable, he should immediately interfere (first giving public notice of his office, if he be not already known), separate the combatants, and prevent others from joining in the affray. If the riot, &c., be of a serious nature, or if the offenders do not immediately desist, he should take them into custody, securing also the principal instigators of the tumult, and doing everything in his power to restore quiet.

32. A constable, in cases of assault which have not been committed in his presence or within his view, is not authorized to arrest or assist in arresting the party charged, nor is he to receive a person so charged into his custody, unless the party has been arrested by some other constable who saw the assault committed. But if a person has been seriously cut or wounded, and gives into custody the party charged with having cut or wounded him, or in the case of any party being charged with committing any aggravated assault, which there is good reason to believe has been committed, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the offender, the constable is authorized to arrest the party, and keep him in safe custody until he can be brought before a Magistrate.

33. A Justice of the Peace may by word of mouth command any constable or any other person to arrest another who shall be guilty of any felony or actual breach of the peace in his presence, and such a command is a good warrant without writing, and must be obeyed accordingly.

34. A constable may arrest any one assaulting or opposing him in the execution of his duty, or any one aiding or assisting any person so to assault or to resist him.

35. If a person forcibly enter the house of another, the constable may, at the request of the owner, turn him out directly; if he entered peaceably, and the owner request the constable to turn him out, the constable should first request him to go out, and unless he do so, he should turn him out; in either case using no more force than necessary for that purpose.

36. When the offence has not yet been committed, but when a breach of the peace is likely to take place, as when persons are openly preparing to fight, the constable should desire them to desist, and if they do not do so, should take the parties concerned into custody; but if they fly into a house, or are making preparations to fight within, the constable should enter to prevent them, and likewise take the parties into custody, and should the doors be closed he may break them open if admission is refused, after giving notice of his office and his object in entering; but in all such cases, if the parties are known, and no very violent breach of the peace has been committed, it is more advisable that they should be summoned before a Magistrate.

37. A constable may take into custody without warrant, all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed, or being about to commit any felony, misdemeanour, or breach of the peace.

38. A constable has power to apprehend and carry immediately, or as soon as possible, before a Justice of the Peace, any person whom he may find wilfully damaging any public building, wall, parapet, sluice, bridge, road, street, sewer, watercourse, or other public property; also any person who in his view commits any malicious injury to private property, and he should take charge of any person given into his custody who may have been arrested by the owner of the property damaged, or by his servant, or any person authorized by him.

39. After the arrest the constable is in all cases to treat a prisoner properly, and impose only such restraint upon him as may be absolutely necessary for his safe custody.

40. The prisoner is to be taken as soon as convenient before the nearest Bench of Magistrates, who will dispose of the case, but he should in the first instance be taken to the watchhouse to have the charge regularly entered in the "Charge Book." When the prisoner is brought to the Justice, he still remains in custody of the constable until his discharge, committal, or conviction.

41. The constable is bound to follow the directions contained in a warrant, and to execute it with secrecy and dispatch. The power given to him for the purpose of arresting, has been already shewn. If the warrant cannot be executed immediately it should be executed as soon as possible afterwards.

42. The constable must execute the warrant himself, or when he calls in assistance must be actually present. Upon all occasions he ought to state his authority, if it be not generally known, and should shew his warrant when required to do so, but he should not part with the possession of the warrant, as it may be wanted afterwards for his own justification.

43. As it frequently happens that the warrant is in the hands of one constable, whilst another constable having undoubted information of such warrant, may find the accused person, or a person whom he has good ground to suppose to be such person, the latter ought in such cases to make the arrest, and if it be provable that a warrant has been issued, although it was not in his hands, he will be justified in his act, and will be entitled to the protection of the law. In such case he should communicate to the prisoner his information respecting the warrant.

44. A constable may enter a house to search for stolen goods, having received a search warrant from a Magistrate for that purpose. He should, when it is possible to do so, execute it in the day time. If he finds the goods mentioned, he is to take them to a Magistrate, and when the warrant so directs, he must take the person also in whose possession they are found. To avoid mistakes the owner ought to attend at the search, to identify the goods, but this is not indispensably necessary in all cases.

45. In the following cases also, constables are empowered to arrest without warrant, but they are to be specially careful not to do so upon light grounds.

46. Any person found in the streets and public places in a state of intoxication, and behaving in a riotous and indecent manner, or incapable of taking care of himself.

47. Every common prostitute wandering in any street or public highway, or being in any place of public resort, who shall behave in a riotous or indecent manner.

48. Every person wandering abroad, or placing himself or herself in any public place to beg or gather alms, or causing or procuring, or encouraging any child or children so to do, or endeavouring by the exposure of wounds or deformities to obtain alms, or endeavouring to procure charitable contributions under any false or fraudulent pretence.

49. Every person wilfully exposing to view in any public place, or who shall expose or cause to be exposed to public view in the window, or other parts of any shop or other building situate in any public place, any obscene book, picture, or other indecent exhibition or representation.

50. Every person wilfully and obscenely exposing his or her person, in any street or road, or in the view thereof, or in any place of public resort.

51. Every person playing or betting at any unlawful game.

52. Every person playing or betting in any street, road, highway, or other open and public place, at or with any table or instrument of gaming at any game or pretended game of chance.

53. Any person who shall sing any obscene song or ballad, or write or draw any indecent or obscene word, figure, or representation, or use any obscene language in any public place, or within the view or hearing of any person passing therein.

54. Any person who shall use any threatening, abusive, or insulting words or behaviour in any public place, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

55. Or any person who shall cruelly beat, ill-treat, over-drive, abuse or torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, abused, or tortured, any animal.

56. In all these cases not only are constables empowered to arrest without a Magistrate's warrant, but on fair and sufficient grounds it is their duty to do so, and they are also bound to receive into their custody any person found committing any of these offences, who having been apprehended by another is delivered to them; and any refusal or wilful neglect to take such offender into their custody, or to take or convey him or her before some Justice of the Peace, will be a neglect of duty, and will render them liable to the penalty attached to such neglect.

57. In cases where any soldier or member of any other public service shall appear intoxicated, it is advisable that the constable should communicate on the subject, through his superior officer, with the officer under whose command the party is, and to refrain, except in cases of strong necessity, from taking him into custody.

58. There are many cases in which it is desirable that the constable should only ascertain the name and residence of the party offending, and take the means of finding him afterwards. A report should be made to the superior officer, either immediately or when relieved, according to circumstances; and here it is to be remarked, that in any instance in which the power to arrest is not expressly stated, as in these and other instances to be hereafter mentioned, the constable is authorized to take into custody any person who within his view shall commit any such offences, and whose name and residence shall be unknown to such constable, and cannot be ascertained by him.

59. The constable should take notice if any houses, shops, or stores are kept open on Sundays for the purpose of trade, except for the dressing and selling of meat and victuals for such as cannot be otherwise provided, or chemists' shops, and should report the occupier of any such to the superior officer.

60. He must report any gaming on Sunday in any public billiard room or other place of amusement, taking care to ascertain the name of the owner or occupier of the premises.

61. He must also report the name of any publican or keeper of any house, shop, room, or place of public resort, wherein provisions, liquors, or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein, or procured elsewhere), who shall wilfully or knowingly permit drunkenness or other disorderly conduct in such house, or knowingly suffer any gambling whatsoever therein, or knowingly permit or suffer prostitutes or persons of notoriously bad character to meet together and remain therein.

62. Also any premises in which the cesspool has been allowed to overflow, or in such a filthy state from an accumulation of manure, dung, offal, soil, filth, coal ashes, or other matter, as to be a nuisance to the neighbours or injurious to the public health.

63. He should caution any person who may be about to bathe within that part of any river reserved to the public use for the supply of water, and report any person who shall so bathe, or who shall throw into the water any offal, carrion, or other offensive thing, or obstruct any watercourse or public sewer, either by casting any filth or rubbish into the same, or in any other manner.

64. Protection is to be afforded to the Sheriff and Deputy Sheriffs in the execution of all writs from the superior Courts, if in their written requisition they shall state that they have grounds to apprehend violence or opposition in the discharge of their duty.

65. In addition to the cases that have already been mentioned, there are numerous others under the various laws of the Colony, in which constables may apprehend persons committing offences without warrant. The principal of these are under the Vagrant Act, and the Towns and Country Police Act, both of which are included in a volume containing

extracts

extracts of these and other Acts, and published for the use of the Police, and which should be carefully perused by every member of the Force. As to the manner in which the provisions of these Acts are carried into effect, as already stated, much must of necessity be left to the individual discretion and judgment of members of the Force.

66. The police are required to obey all Magistrates in the execution of their judicial duties, by serving all legal processes, such as warrants, summonses, orders of Court, &c.

67. The Magistrates are not vested with any powers of interference with the interior executive arrangements of the Police Force; but should they at any time suspect any felonious attempt upon life or property, of a nature so serious as to render it necessary for the public safety that they should act personally, then they are empowered to call for the attendance of such of the police as they may deem necessary; and all constables so called upon shall act under the Magistrate's orders, so long as he is personally present, and during the time necessary for the suppression of such attempt.

SUMMONSES.

68. Summonses will be delivered to constables in duplicate, or with the original summons will be delivered a copy. The constable should in the first instance endeavour to serve the duplicate or copy, personally, that is, deliver it into the possession of the individual to whom it is addressed. Should it be a copy, he must produce the original, if required to do so by the party summoned. In case the constable is unable from any cause to serve the summons personally, it will be considered a legal and effective service if it be left at the then or last usual place of abode of the party named in the summons, or if it be affixed to one of the doors or some other conspicuous part of the outside of such abode; although a summons may be served either by day or night, constables will be careful to execute this duty between sunrise and sunset as much as possible, and in serving on the premises, they are not to require admittance into the dwelling-house. After service of a summons the constable will make before a Magistrate an affidavit of the service (which must be endorsed on the back of the original summons) as follows:—

“ Colony of New South Wales, }
 “ To Wit. }
 “ of police constable, maketh oath, and
 “ saith that on the day of instant, he this deponent
 “ did (personally) serve the within named with a true copy of this summons,
 “ by leaving the same (with) at his usual place of abode.
 “ Sworn before me, at this day of 186 .”
 and will then return the original, without delay, to the party from whom he originally received it.

CASES OF VIOLENT OR SUDDEN DEATH.

69. When the body of any deceased person is found by the police, or reported to them as having been found, it should be immediately removed to the nearest public house in the neighbourhood, but where there are two or more public houses adjacent, the public houses in such neighbourhood are to be used alternately.

70. Every circumstance connected with the appearance of the body, the position in which it was found, and the probable length of time dead, should be noted; the body should then be carefully searched, and the effects found thereon kept in the custody of the police, and produced at the inquest.

71. The circumstances of the finding of a body, or of any case coming to the knowledge of the police where an inquest ought to be held, should be immediately reported to the Coroner, and to the senior officer of Police in charge of the station.

72. Should the Coroner be absent, or unable to attend, a communication to that effect should be forthwith made to the nearest Magistrate, that he may hold an inquiry.

73. A constable is to remain in charge of the body until an inquest or inquiry has been held thereon.

74. On all occasions a report should be made to the Coroner of the following cases:—Persons found drowned, persons found dead, persons killed by accident or otherwise, persons dying suddenly, prisoners dying in any of Her Majesty's Gaols or other places of confinement, suicides, and all other cases where death is suspected to have occurred from foul play, and a similar report, together with the result of the Coroner's inquest or Magisterial inquiry, should be made to the Inspector General.

75. In cases of suicide, murder, &c., the instrument by which death had been induced, such as a knife, razor, pistol, &c., or bottle or paper which contained poison, should be carefully preserved by the police, and produced at the inquest.

76. Immediately on any death occurring from any of the above causes, the police should endeavour to procure evidence of identity of the deceased, and secure the attendance at the Coroner's inquest of the persons who shall have found such body, or witnessed the circumstance causing the death of the deceased, or who shall be able to give any necessary information on the subject.

77. When the place is remote, and no Coroner or police or other Magistrate is within a reasonable distance, they should have the body examined by some medical gentleman if possible, but if not, the police must then make the best examination they can themselves; the object being in such cases to ascertain if death has been caused by violence.

78. Should there be marks of violence on the body, it is of importance to ascertain the instrument, if any, with which the wounds have been inflicted.

79. If the wound consists of a cut, the length, breadth, and depth, should be ascertained as far as possible, together with the exact position and appearances. If fire-arms appear to have been used to cause death, it is desirable to find the bullet or any other matter which may have entered the body; but in all cases, before the body or any weapon or other article which could in any way be connected with the case is moved, or its position altered, care should be taken that every particular is noted in writing.

80. Every exertion should also be made to find the particular weapon supposed to have been used, and if found, its state when first seen by the police, should be carefully noted, with all the other particulars.

81. The constable should then wait upon the nearest Magistrate and give his deposition, forwarding a copy immediately to Head Quarters, with a full statement of all particulars which may enable the Inspector General to judge if the matter has been properly inquired into by the police.

82. Where a suspicion of felony attaches, the most careful inquiry should be made of the names, both Christian and surname, of all persons who may be supposed to know any circumstances connected with the death. Above all things, every person, without exception, present at the time of death should be examined before the Coroner or Magistrate.

83. The police should not take upon themselves to bury the body, unless on the receipt of a certificate in the form for the purpose, from the Coroner or Justice of the Peace.

84. In inquiries into violent deaths, the police officer in charge of the station at the time must consider himself as the person whose special duty it is to get up the case for the Coroner or Magistrate.

USE OF ARMS BY POLICE.

85. The police are armed to enable them successfully to overcome opposition to lawful arrests, and to protect themselves against armed interference in the execution of their duty. It is therefore of great importance that they should clearly understand under what circumstances they are justified in resorting to the use of the weapons with which they are entrusted.

86. It is only in the apprehension or detention of felons that a constable would be justified in proceeding to extremities, that is, when the constable is armed with a warrant for a felony, or when a felony is committed in his own view, or when he is in immediate or fresh pursuit of a person known to have committed a felony. Being satisfied on this point, to make the resort to firearms justifiable, it must be owing to some unavoidable necessity to which he must be reduced in the execution of his duty.

87. If a person having actually committed a felony will not suffer himself to be arrested, but stand on his own defence, or fly so that he cannot possibly be apprehended alive by those who pursue him, with or without a warrant from the Magistrate, the constable in pursuit would be justified in using his weapon to secure him. The necessity for this proceeding (viz., that he cannot otherwise be taken) must be clearly apparent.

88. A police constable on duty at a gaol, or any other place in which prisoners are confined, is only justified in firing on any prisoner attempting to escape, who assaults or resists the constable endeavouring to retake or secure him, or on a prisoner committed for or convicted of felony, who persists in flying from the gaol or other place of confinement, after reasonable efforts have been unsuccessfully made to capture him.

89. In all ordinary cases of police duty the baton is the weapon to which the constable should have recourse, and even the use of this should be avoided as much as possible, as good temper with determination, will generally effect more than the use of violent measures.

90. The above remarks do not apply to cases of riot, &c., in which the police are called upon by the Magistracy to act as an armed body, as on these occasions they will obey the orders of the Magistrates, with whom the responsibility will rest.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

POLICE.

(RULES FOR THE DISTRIBUTION AND APPROPRIATION OF THE SUPERANNUATION AND POLICE REWARD FUNDS, AND REGULATIONS FOR POLICE PENSIONS.)

Ordered by the Legislative Assembly to be Printed, 3 September, 1863.

For the Distribution and Appropriation of the Superannuation and Police Reward Funds, and Regulations for Police Pensions.

CLAIMS for pensions, gratuities, or rewards, from these funds are to be submitted to a Board, consisting of the Inspector General of Police, a Police Magistrate, and a Superintendent of Police, and of which the Inspector General shall be President.

2. Claims are to be duly supported by such certificates, vouchers, and testimonials as the Board may require; and each claim must be dealt with by the Board on its own merits, in reporting to the Government the amount of pension, reward, or gratuity, which they may recommend to be awarded.

3. The maximum of pension and gratuity to members of the police force, duly certified to be unfit for the service, is fixed respectively by the scale laid down in the 21st and 22nd sections of the Police Regulation Act, which can in no case be exceeded.

4. Claims from widows and families of deceased members of the force, duly supported by certificates of marriage and birth, and by such other vouchers and testimonials as the Board may require, are to be dealt with as stated in rule 3.

5. No widow is to be regarded as having any claim to pension or gratuity unless married more than twelve months previous to her husband's decease, except in cases of death having been caused by injury or accident when on duty.

6. Women of good character only are entitled to pension or gratuity.

7. Children being eligible for admission into the orphan schools, no gratuity is to be paid to them, but the Board is to examine into the particulars of each case, and when there are grounds for doing so, to recommend that the children be admitted into either of those institutions.

8. Police pensioners, on first taking up their residence in any locality, are to make themselves personally known to the principal officer of police stationed nearest to their residence, and notify their place of residence at the same time to the Inspector General of Police. They are to act in like manner on any subsequent change of residence.

9. Police pensioners are not, without leave previously obtained from the Government, through the Inspector General, to leave the Colony. Any breach of this, or the preceding rule, will render them liable to the forfeiture of the whole or any part of their pensions.

10. Pensions will be payable quarterly, viz., on the 31st March, 30th June, 30th September, and 31st December, to pensioners resident in or near Sydney, personally, at the Office of the Inspector General of Police, on production of properly filled vouchers, according to annexed form. To pensioners resident in the country, on receipt of similar vouchers, duly filled up and signed, the amount of pension will be paid into such Bank, and to the credit of such person as may be directed by the pensioner in the printed form of authority annexed to voucher.

11. No charge of any kind, except for the necessary postage stamp, is to be made against pensioners for the presenting, declaring, or forwarding the vouchers; which are, when perfected, to be transmitted as soon as possible after the termination of each quarter, by the Clerk of Petty Sessions, to the Inspector General of Police.

POLICE

POLICE PENSION.

Voucher No.

Amount payable to or inclusively, at	Pensioner of Police of New South Wales, as for the Quarter from to 186 , per	£	s.	d.
		Total.....		

I do solemnly and sincerely declare that I have not been appointed to, nor held any public situation subsequently to 186 ; I further solemnly and sincerely declare that I am the individual entitled to a pension at the above-mentioned rate, and for the period above specified, as witness my hand this day of 186 .

Subscribed before me, at this day of 186 .

*Signature of a }
Magistrate. }*

I certify that now present, is the pensioner named in the above voucher and declaration.

*Signature of Officer or }
Sergeant of Police. }*

Received on the pounds from John M'Lerie, Esq., Inspector General of Police, the sum of shillings and pence, being the full amount of my pension for the period above-mentioned.

*Signature of }
Pensioner. }*

Witness.

I now residing at hereby authorize you to pay the amount of the quarterly payment of my pension to the credit of the account of at the Bank of Sydney.

*Signature of }
Pensioner. }*

*{ Witness to Signatures
and Marks.*

The Inspector General of Police,
Sydney.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POLICE.

(PENALTIES, PUNISHMENTS, AND DISMISSALS OF MEMBERS OF NEW POLICE FORCE.)

Ordered by the Legislative Assembly to be Printed, 3 December, 1863.

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 Return of all Penalties, Punishments, and Dismissals
“ of Members of the New Police Force, since the establish-
“ ment of the same, omitting names of parties, but notifying
“ the names of the Officers who have inflicted these Penalties
“ and Punishments, the nature of the Offences, and whether
“ these Officers sat in judgment alone.”

(*Mr. Sadleir.*)

POLICE.

(No. 6.)—GENERAL ORDER.

Police Department,
Inspector General's Office,
Sydney, 20 September, 1862.

THE attention of Superintendents of Police and Officers generally is called to the fact, that their powers to inflict fines on members of the force, under clauses 222 to 225 of the Regulations, should not be exercised except in cases of breaches of discipline, and that in obedience to the spirit of the 12th clause of the "Police Regulation Act," all serious offences of misconduct, violation of duty, &c., should, when practicable, be submitted for the decision of a Bench of Magistrates. This does not, of course, refer to cases in which Superintendents may consider it requisite to report specially to this office, with a recommendation for dismissal of any member of the force.

2. The offence most frequently committed, that of drunkenness on duty, or when required for duty, should, under ordinary circumstances, be dealt with by the Bench (although being under the influence of liquor at other times, and not actually unfit for duty might probably be considered as an offence against discipline).

The Superintendents of Police.

JNO. M'LERIE,
Inspector General of Police.

RETURN of all Penalties, Punishments, and Dismissals, of Members of the Police Force, from the 1st March to 31st August, 1862.

BY WHOM INFLICTED.	NATURE OF OFFENCE.	PUNISHMENTS.			WHETHER HE SAT IN JUDGMENT ALONE.		
		Fines.	Reduction in Rank.	Dismissals.			
EASTERN DISTRICT.		£	s.	d.			
Superintendent Chatfield	Absent from his beat	0	10	0	} Yes.
Do.	Going into a public-house whilst on duty, and stopping 1½ hours	2	0	0	....	....
Do.	Drunk on duty	3	0	0	....	....
Do.	Dirty and in plain clothes on duty	0	5	0	....	....
Do.	Disorderly	0	5	0	....	....
Sub-Inspector White	Drinking in a public-house on duty	1	0	0	....	....
Superintendent Chatfield	Drunk, and late for duty	3	0	0	....	....
Do.	Returning off duty under influence of liquor	1	10	0	....	....
Do.	Accepting money as a reward, without permission obtained from his officers	3	0	0	....	....
Sub-Inspector Singleton	Drunk while in charge of lock-up	0	10	0	....	....
Superintendent Chatfield	Drunk and abusive	2	0	0	....	....
TOTAL		£	17	0	0
SOUTH-EASTERN DISTRICT.							
Inspector General	Disobedience of orders	1	} Yes.
Do.	Drunk on duty .. .. .	.....	....	1	....	....
Do.	Drunkenness and disobedience of orders .. .. .	.....	....	1	....	....
Superintendent Zouch	Insubordination	3	0	0	....	....
Inspector Battye	Drunk on duty	2	0	0	....	....
Do.	Drunk on duty	2	0	0	....	....
Inspector General	Drunk, and absent from duty	0	12	0	1	....
Do.	Drunk (second offence) .. .. .	.....	....	1	....	....
Do.	Offering a bribe to the Head of a Department to procure an appointment in said department .. .. .	.....	....	Discharged	....	....
Superintendent Zouch	Absent from duty	1	0	0	....	....
Do.	Drunk on duty	1	0	0	....	....
Inspector General	Drunk on duty	3	0	0	....	....
Bench of Magistrates	Assault	2	0	0	} Bench of Magistrates. Do.
Do.	Absent from duty	5	0	0	....	....
TOTAL		£	19	12	0	1	4

POLICE.

BY WHOM INFLICTED.	NATURE OF OFFENCE.	PUNISHMENTS.			WHETHER HE SAT IN JUDGMENT ALONE.
		Fines.	Reduction in Rank.	Dismissals.	
NORTH-EASTERN DISTRICT.		£	s.	d.	
Superintendent M'Lerie..	Neglect of duty	2	0	0	} Yes. Bench of Magistrates.
Do. .. .	Drunk when for duty .. .	3	0	0	
Do. .. .	Do. .. .	3	0	0	
Inspector Walker .. .	Drunk and disobedience of orders	2	0	0	
Superintendent M'Lerie..	Drunk on duty .. .	3	0	0	
Inspector General .. .	Do. .. .	.....	.....	1
Do. .. .	Drunk in a public-house .. .	.....	.....	1
Sub-Inspector Hussey .. .	Neglect of duty .. .	1	0	0	
Superintendent M'Lerie..	Drunk on duty at a fire .. .	3	0	0	
Do. .. .	Drunk on duty .. .	1	0	0	
Do. .. .	Do. .. .	2	0	0	
Do. .. .	Do. .. .	2	0	0	
Bench of Magistrates .. .	Assault on a Mr. Bartlett .. .	1	0	0	
TOTAL .. .		£	23	0		2
WESTERN DISTRICT.					
Sub-Inspector Bruyeres..	Drunkenness .. .	2	0	0	} Yes. Bench of Magistrates. } Yes. Bench of Magistrates. } Yes.
Superintendent Morisset..	Drunk and insubordinate .. .	2	0	0	
Inspector General .. .	Repeated drunkenness .. .	.....	.....	1
Do. .. .	Drunk and insubordinate .. .	.....	.....	1
Do. .. .	Do. .. .	.....	.....	1
Bench of Magistrates .. .	Allowing a prisoner to escape .. .	3	0	0	
Inspector Pottinger .. .	Drunkenness .. .	2	0	0	
Inspector General .. .	Drunk and insubordinate.. .	.....	1	1
Superintendent Morisset..	Do. .. .	2	0	0	
Bench of Magistrates .. .	Allowing a prisoner to escape .. .	5	0	0	
Inspector Pottinger .. .	Drunkenness .. .	2	0	0	
Sub-Inspector Hogg .. .	Do. .. .	1	0	0	
Superintendent Morisset..	Under influence of liquor .. .	0	10	0	
Inspector General .. .	Repeated drunkenness .. .	.....	.....	1
Do. .. .	Embezzlement .. .	.....	1	1
Do. .. .	Illegally apprehending .. .	.....	1	1
Superintendent Morisset..	Drunk and insubordinate .. .	3	0	0	
Do. .. .	Under influence of liquor .. .	1	0	0	
Do. .. .	Drunk and neglect of duty .. .	2	0	0	
Inspector General .. .	Repeated drunkenness .. .	.....	.....	1
Judge Cary .. .	Allowing prisoners to escape from lock-up at Forbes .. .	0	1	0	
TOTAL .. .		£	25	11	3
SOUTH-WESTERN DISTRICT.					
Superintendent Carne .. .	Drunkenness .. .	1	0	0	} Yes.
Sub-Inspector O'Neill .. .	Fighting in lock-up .. .	1	0	0	
Do. .. .	Do. .. .	1	0	0	
Inspector General .. .	Drunk and neglect of duty .. .	.....	.....	1
Inspector Bligh .. .	Disobedience of orders .. .	0	10	0	
Sub-Inspector O'Neill..	Drunkenness .. .	1	0	0	
Inspector Bligh .. .	Insubordinate conduct on drill .. .	1	0	0	
Do. .. .	Drunk and absent from duty .. .	1	0	0	
TOTAL .. .		£	6	10	1
NORTH-WESTERN DISTRICT.					
Superintendent Garland..	Disobedience of orders .. .	1	0	0	} Yes.
Do. .. .	Do. .. .	1	0	0	
TOTAL .. .		£	2	0	0
NORTHERN DISTRICT.					
Superintendent Lydiard..	Stating a gross falsehood .. .	0	10	0	} Yes. Bench of Magistrates.
Bench of Magistrates .. .	Allowing an aboriginal prisoner to escape from custody .. .	1	0	0	
TOTAL .. .		£	1	10	0
SOUTHERN DISTRICT.					
Inspector Walker .. .	Drunkenness .. .	1	0	0	} Yes. Bench of Magistrates. } Yes.
Do. .. .	Do. .. .	.....	1	.....
Bench of Magistrates .. .	Neglect of Duty .. .	0	1	0	
Superintendent Markham	Drunkenness .. .	1	0	0	
Do. .. .	Do. .. .	2	0	0	
Do. .. .	Do. .. .	2	0	0	
Inspector General .. .	Do. .. .	.....	.....	1
Inspector Wilshire .. .	Do. .. .	1	0	0	
Inspector General .. .	Do. .. .	.....	1	.....
Superintendent Markham	Disobedience of orders .. .	1	0	0	
Do. .. .	Drunkenness .. .	2	0	0	
Bench of Magistrates .. .	Assault .. .	1	0	0	
Superintendent Markham	Disobedience .. .	1	0	0	
TOTAL .. .		£	12	1		2

POLICE.

BY WHOM INFLICTED.	NATURE OF OFFENCE.	PUNISHMENTS.			WHETHER HE SAT IN JUDGMENT ALONE.
		Fines.	Reduction in Rank.	Dismissals	
		£ s. d.			
	METROPOLITAN DISTRICT.				
Inspector General	Drunk and leaving his beat	1 0 0	} Yes.
	Drunk when for duty	1 0 0	....	....
	Absent from his beat—found drunk ..	1 0 0	....	....
	Absent from his beat, and gross misconduct .. ..	....	....	1
	Drunk on duty	1 0 0	....	....
	Drunk on duty, and using indecent language .. ..	....	1	....
	Do., and using profane language .. ..	....	....	1
	Drunk on duty (3rd offence) .. ..	....	....	1
	Drunk on duty	1 0 0	....	....
	Absent from duty and found drunk ..	1 0 0	....	....
	Drunk parading for duty	1 0 0	....	....
	Asleep on his beat	0 10 0	....	....
	Do. (same man) .. ..	....	....	1
	Drunk on duty (2nd offence) .. ..	....	....	1
	Absent from his beat, and found concealed in a public-house .. ..	....	....	1
	Absent from his beat	1 0 0	....	....
Receiving a reward without permission ..	2 0 0	....	....
Absent from his beat	1 0 0	....	....
Absent four days, and contracting debts ..	....	1	....	
Absent from his beat half an hour ..	0 10 0	....	....
TOTAL	£ 12 0 0	2	6		

SYNOPSIS.

No.	DISTRICT.	AMOUNT OF FINES.	REDUCTIONS IN RANK.	DISMISSALS.
		£ s. d.		
1	EASTERN	17 0 0	....	....
2	SOUTH-EASTERN	19 12 0	1	4
3	NORTH-EASTERN	23 0 0	....	2
4	WESTERN	25 11 0	3	8
5	SOUTH-WESTERN	6 10 0	....	1
6	NORTH-WESTERN	2 0 0	....	....
7	NORTHERN	1 10 0	....	....
8	SOUTHERN	12 1 0	2	1
9	METROPOLITAN	12 0 0	2	6
	TOTAL	£ 119 4 0	8	22

Inspector General's Office,
Sydney, — October, 1862.

JNO. M'LERIE,
Inspector General of Police.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

POLICE.

(DISTRIBUTION OF POLICE FORCE ON 1ST DECEMBER, 1863.)

Ordered by the Legislative Assembly to be Printed, 5 February, 1864.

RETURN shewing the Distribution of the Police Force on the 1st day of December, 1863.

DISTRICT.	STATION.	MOUNTED.							FOOT.			
		Superintendent.	Inspector.	Sub-Inspector.	Senior Sergeant.	Sergeant.	Senior Constable.	Mounted Constable.	Senior Sergeant.	Sergeant.	Senior Constable.	Constable.
Metropolitan ..	A Division, 2 .....	..	1	1	..	..	..	..	1	4	9	24
	Female Watch-house....	..	..	..	..	..	..	..	..	..	1	..
	B Division .....	..	..	..	..	..	..	..	2	7	5	19
	Newtown .....	..	..	..	..	..	..	..	..	..	1	1
	Redfern .....	..	..	..	..	..	..	..	..	..	1	1
	Concord .....	..	..	..	..	..	..	..	..	..	1	..
	Cook's River .....	..	..	..	..	..	..	..	..	..	..	1
	Irish Town .....	..	..	..	..	..	..	..	..	..	..	1
	Ashfield .....	..	..	..	..	..	..	..	..	..	..	1
	Petersham .....	..	..	..	..	..	..	..	..	..	..	1
	Camperdown .....	..	..	..	..	..	..	..	..	..	..	1
	Canterbury .....	..	..	..	..	..	..	..	..	..	..	1
	C Division .....	..	..	..	..	..	..	..	1	2	3	11
	Balmain .....	..	..	..	..	..	..	..	..	..	1	1
	North Shore .....	..	..	..	..	..	..	..	..	..	1	1
	Lane Cove .....	..	..	..	..	..	..	..	..	..	..	1
	Manly Beach .....	..	..	..	..	..	..	..	..	..	..	1
	D Division .....	..	..	..	..	..	..	..	2	4	3	15
	Waverley .....	..	..	..	..	..	..	..	..	..	1	1
	Botany .....	..	..	..	..	..	..	..	..	..	..	1
	Randwick .....	..	..	..	..	..	..	..	..	..	..	1
	Paddington .....	..	..	..	..	..	..	..	..	..	..	1
	Watson's Bay .....	..	..	..	..	..	..	..	..	..	..	1
	Rushcutter's Bay .....	..	..	..	..	..	..	..	..	..	..	1
	Water Police .....	..	..	..	..	..	..	..	1	..	3	11
	Goat Island .....	..	..	..	..	..	..	..	..	1	..	4
	Northern	Armidale	1	1	..	4
Uralla .....		..	..	..	..	..	..	1	..	..	..	..
Rocky River .....		..	..	..	..	..	1	1	..	..	..	..
Walcha .....		..	..	..	..	..	1	1	..	..	..	..
Bendemeer .....		..	..	..	..	..	1	1	..	..	..	1
Bundarra .....		..	..	..	..	..	1	1	..	..	..	..
Inverell .....		..	..	..	..	..	1	1	..	..	..	..
Tenterfield .....		..	..	1	..	..	1	2	..	..	..	..
Tooloom .....		..	..	..	..	..	1	1	..	..	..	..
Fairfield .....		..	..	..	..	..	..	..	..	..	..	1
Timbarra .....		..	..	..	..	1	..	1	..	..	..	..
Tabulam .....		..	..	..	..	..	..	..	..	..	..	..
Glen Innes .....		..	..	..	..	1	..	2	..	..	..	1
Port Macquarie .....		..	..	1	..	..	1	1	..	..	1	1
Kempsey .....		..	..	..	..	..	1	1	..	..	..	1
Nulla Nulla .....		..	..	..	..	1	..	..	..	..	..	1
Wingham .....		..	..	..	..	..	1	1	..	..	..	1
	Carried forward....	1	1	3	..	4	10	19	8	17	31	109

POLICE.

DISTRICT.	STATION.	MOUNTED.							FOOT.				
		Superintendent.	Inspector.	Sub-Inspector.	Senior Sergeant.	Sergeant.	Senior Constable.	Mounted Constable.	Senior Sergeant.	Sergeant.	Senior Constable.	Constable.	
	Brought forward ..	1	1	3	..	4	10	19	8	17	31	109	
Northern	Tinonee .....	..	..	..	..	..	..	..	..	..	..	..
	Cundle .....	..	..	..	..	..	..	..	..	..	..	..
	Tarree .....	..	..	..	..	..	..	..	..	..	..	..
	Grafton .....	..	..	..	1*	..	1	4	..	..	..	4
	Casino .....	..	..	..	..	1	..	1	..	..	..	2
	Lismore .....	..	..	..	..	..	..	..	..	..	..	2
Southern	Ballina .....	..	..	..	..	..	..	..	..	..	1	..
	Cooma	1	..	..	1	1	2	3	..	..	..	3
	Frying Pan .....	..	..	..	..	..	..	1	..	..	..	1
	Nimitybelle .....	..	..	..	..	..	..	..	..	..	1	..
	Kiandra .....	..	..	..	..	..	1	1	..	..	..	2
	Michalego .....	..	..	..	..	..	1	1	..	..	..	..
	Bombala .....	..	..	..	..	..	1	1	..	1	..	2
	Braidwood .....	..	1	..	..	1	1	2	1	..	1	2
	Jingera .....	..	..	..	..	..	1	1	..	..	..	..
	Mongarlow .....	..	..	..	..	..	1	1	..	..	..	..
	Queanbeyan .....	..	..	..	..	1	1	1	..	..	..	4
	Bungendore .....	..	..	..	..	..	..	..	..	..	1	1
	Gundaroo .....	..	..	..	..	..	..	..	..	..	..	2
	Araluen .....	..	..	..	..	..	1	1	..	1	..	2
	Major's Creek .....	..	..	..	..	..	1	1	..	..	..	..
	Nelligen .....	..	..	..	..	..	..	..	..	..	1	..
	Moruya .....	..	..	..	..	1	..	2	..	..	1	2
	Nerrigundah .....	..	..	..	..	1	..	3	..	..	..	1
	Eden .....	..	..	1	..	..	..	..	..	1	..	2
	Pambula .....	..	..	..	..	..	..	..	..	..	..	2
	Merimbula .....	..	..	..	..	..	..	..	..	..	..	1
Eastern	Bega .....	..	..	..	..	..	1	1	..	..	..	1
	Campbelltown .....	..	..	..	1	..	..	1	1	..	..	3
	Appin .....	..	..	..	..	..	..	..	..	..	..	1
	Berrima .....	..	..	1	..	..	..	3	1	..	..	3
	Iron Mines .....	..	..	..	..	..	..	..	..	..	..	1
	Sutton Forest .....	..	..	..	..	..	..	..	..	..	..	1
	Bargo .....	..	..	..	..	..	..	..	..	..	..	1
	Camden .....	..	..	..	..	..	1	1	..	..	..	2
	Narellan .....	..	..	..	..	..	..	..	..	..	..	1
	Picton .....	..	..	..	..	..	1	2	..	..	..	2
	East Bargo .....	..	..	..	..	..	..	1	..	..	..	..
	Parramatta	1	..	..	..	..	..	2	..	1	1	5
	Baulkham Hills .....	..	..	..	..	..	..	..	..	..	..	1
	Kissing Point .....	..	..	..	..	..	..	..	..	..	..	1
	Black Town .....	..	..	..	..	..	..	..	..	..	..	1
	Windsor .....	..	..	..	..	..	1	1	1	..	..	3
	Richmond .....	..	..	..	..	..	..	..	..	..	..	1
	Pitt Town .....	..	..	..	..	..	..	..	..	..	1	..
	Rouse Hill .....	..	..	..	..	..	..	..	..	..	..	1
	Wilberforce .....	..	..	..	..	..	..	..	..	..	..	1
	Liverpool .....	..	..	..	..	..	..	..	..	..	1	2
	Penrith .....	..	..	..	..	..	1	1	..	1	1	3
	St. Mary's .....	..	..	..	..	..	..	..	..	..	..	1
	Eighteen-mile Hollow .....	..	..	..	..	..	..	..	..	..	..	1
	Castlereagh .....	..	..	..	..	..	..	..	..	..	..	1
	Wollongong .....	..	..	..	..	..	..	1	1	..	..	2
	Kiama .....	..	..	1	..	..	2	..	..	..	..	1
	Jamberoo .....	..	..	..	..	..	1	..	..	..	..	..
	Shell Harbour .....	..	..	..	..	..	..	..	..	..	..	1
	Shoalhaven .....	..	..	..	..	..	1	..	..	..	..	2
	Ulladulla .....	..	..	..	..	..	..	..	..	..	..	1
Western	Bathurst	1	..	1†	2	..	1	5	1	..	2	7	
	Kelso .....	..	..	..	..	..	..	..	..	..	..	2
	O'Connell .....	..	..	..	..	..	..	..	..	..	..	1
	Frying Pan .....	..	..	..	..	..	..	..	..	..	..	1
	Diamond Swamp .....	..	..	..	..	..	1	3	..	..	..	..
	Mitchell's Creek .....	..	..	..	..	..	..	..	..	..	..	1
	Solitary Creek .....	..	..	..	..	..	..	..	..	..	..	1
	Bowenfels .....	..	..	..	..	..	..	..	..	..	..	1
	Hartley .....	..	..	1	..	..	1	2	..	..	1	2
	Pulpit Hill .....	..	..	..	..	..	..	..	..	..	..	1
	Wyagden .....	..	..	..	..	1	..	..	..	..	..	..
	Sofala .....	..	..	..	1	1	2	3	..	..	..	1
	Rockley .....	..	..	..	..	..	1	4	..	..	..	2
	Tambaroora .....	..	..	..	..	..	1	1	..	..	..	1
	Hargraves .....	..	..	..	..	..	..	2	..	..	..	..
	Wyndeyer .....	..	..	..	..	..	1	1	..	..	..	1
	Rylston .....	..	..	..	..	..	1	..	..	..	..	1
	Keene's Swamp .....	..	..	..	..	..	1	1	..	..	..	..
	Mudgee .....	..	..	..	1	..	1	2	..	..	1	3
	Talbragar .....	..	..	..	..	..	1	1	..	..	..	..
	Mundooran .....	..	..	..	..	..	..	1	..	..	..	1
	Coonabarabran .....	..	..	..	..	..	1	..	..	..	..	..
	Orange .....	..	..	..	..	..	..	3	..	1	..	3
	Molong .....	..	..	..	..	..	1	1	..	..	..	1
	Carried forward	4	2	8	7	12	44	87	15	23	45	220	

* Acting Sub-Inspector. † Not stationary.

POLICE.

3

DISTRICT.	STATION.	MOUNTED.							FOOT.				
		Superintendent.	Inspector.	Sub-Inspector.	Senior Sergeant.	Sergeant.	Senior Constable.	Mounted Constable.	Senior Sergeant.	Sergeant.	Senior Constable.	Constable.	
	Carried forward	4	2	8	7	12	44	87	15	23	45	220	
Western	Wellington .....	..	..	..	..	1	..	1	..	..	..	4
	Montefiores .....	..	..	..	..	..	..	..	..	..	..	1
	Stoney Creek .....	..	..	..	..	1	..	4	..	..	..	1
	Higgings .....	..	..	..	..	..	..	1	..	..	..	..
	Long Swamp .....	..	..	..	..	..	..	..	..	..	..	..
	Carcoar .....	..	..	..	..	1	..	4	..	..	..	1
	Coombing (temp.) .....	..	..	..	..	..	1	1	..	..	..	..
	Guyong .....	..	..	..	..	..	..	..	..	..	..	1
	Blaney .....	..	..	..	..	..	..	..	..	..	..	1
	No. 1 Swamp .....	..	..	..	..	..	1	2	..	..	..	..
	Dunn's Plains .....	..	..	..	..	..	..	..	..	..	..	..
	Boree ..	..	..	..	..	..	..	1	..	..	..	..
	Absent in Bush .....	..	..	..	..	..	..	6	7	..	2	2
	North-Eastern..	W. Maitland	1	1	2	1	7
E. Maitland .....		..	..	..	..	..	..	..	1	..	..	2
Morpeth .....		..	..	..	..	..	..	..	..	..	1	1
Hinton .....		..	..	..	..	..	..	..	..	..	..	1
Black Creek .....		..	..	..	..	..	..	..	..	..	..	1
Lochinvar .....		..	..	..	..	..	..	..	..	..	..	1
Wollombi .....		..	..	..	1	..	..	2	..	..	..	..
Singleton .....		..	..	..	1	..	..	2	..	..	..	4
Jerry's Plains .....		..	..	..	..	..	..	..	..	..	..	1
Muswellbrook .....		..	..	..	..	..	1	2	..	..	..	2
Scone ..		..	..	..	..	..	..	2	..	1	..	2
Murrurundi .....		..	..	..	..	..	1	2	..	1	..	2
Newcastle .....		..	..	1	1	..	..	1	..	..	2	13
Wallsend .....		..	..	..	..	..	..	..	..	..	..	1
Hexham .....	..	..	..	..	..	..	..	..	..	..	1	
North-Western..	Gosford .....	..	..	..	..	1	..	1	..	..	..	2
	Raymond Terrace .....	..	..	..	1	..	..	1	..	..	..	1
	Port Stephens .....	..	..	..	..	..	..	..	..	..	..	2
	Dungog .....	..	..	..	..	..	1	..	..	..	..	1
	Clarence Town .....	..	..	..	..	..	..	..	..	..	..	1
	Paterson .....	..	..	..	..	..	..	..	..	1	..	..
	Cassilis .....	..	..	..	..	..	..	2	..	..	..	1
	Merriwa .....	..	..	..	..	..	1	1	..	..	..	1
	South-Eastern..	Tamworth	1	1	..	5	..	1	..	5
		Gunnedah	1	1	1
		Narrabri	2	1
		Wee Waa	2	1
		Walgett	1	1	2
		Warialda	1	..	2	1
Bingera .....		..	..	..	..	..	1	1	..	..	..	1
Barraba .....		..	..	..	..	..	1	1	..	..	..	..
Wallabadah .....		..	..	..	..	..	1	1	..	..	..	..
Wood's Reef .....		..	..	..	..	..	1	..	..	..	..	..
Nundle ..		..	..	..	..	..	1	1	..	..	..	..
South-Western..		Goulburn	1	..	1	1	7	1	6
		Collector	1	..	1
		Tarrago	1	1
	Taralga .....	..	..	..	..	1	..	1	..	..	..	..
	Marulan .....	..	..	..	..	..	1	1	..	..	..	..
	Tuena .....	..	..	..	..	..	1	1	..	..	..	1
	Wingello .....	..	..	..	..	..	1	1	..	..	..	..
	Bungonia .....	..	..	..	..	..	1	1	..	..	..	..
	Binda .....	..	..	..	..	..	1	1	..	..	2	..
	Gunning .....	..	..	..	..	..	1	1	..	..	1	..
	Yass .....	..	..	1	..	..	1	2	..	1	..	5
	Currawong .....	..	..	..	..	..	..	2	..	..	..	..
	Burrowa .....	..	..	1	..	..	1	4	..	..	1	3
	Cootramundra .....	..	..	..	..	..	1	2	..	..	..	..
Binalong .....	..	..	..	..	..	1	2	..	..	..	1	
Murrumberah .....	..	..	..	..	..	1	2	..	..	..	..
Murray	Young	1	1	..	1	1	1	10	1	1	2	7	
	Twelve-mile Rush and Seven-mile .....	..	..	..	..	..	..	4	..	..	1	1
	Hurricane Gully .....	..	..	..	..	..	..	..	..	..	..	..
	Wombat .....	..	..	..	1*	..	1	3	..	..	..	1
	Stoney Creek .....	..	..	..	..	..	..	..	..	..	..	2
	Weddin .....	..	..	1	..	1	1	4	..	..	..	1
	Marengo .....	..	..	..	..	..	1	3	..	..	..	1
	South-Western..	Deniliquin	1	1	2	1	..	1	3
		Hay	1	1	1	2
		Wentworth	1	..	1	2
		Moulamein	1	1
		Moama	1	1	1
		Jerilderie	2
		Perry	1	1
Balranald .....		..	..	..	..	..	..	1	..	..	1	1
Euston .....		..	..	..	..	..	..	1	..	..	..	..
Booligal .....		..	..	..	..	..	..	2	..	..	..	..
Murray		Albury	1	3	..	2	4	1	4
		Howlong	1
		Carried forward	9	3	14	18	23	82	213	19	30	63	334

Acting Sub-Inspector.

POLICE.

DISTRICT.	STATION.	MOUNTED.							FOOT.				
		Superintendent.	Inspector.	Sub-Inspector.	Senior Sergeant.	Sergeant.	Senior Constable.	Mounted Constable.	Senior Sergeant.	Sergeant.	Senior Constable.	Constable.	
Murray.....	Brought forward....	9	3	14	18	23	82	213	19	30	63	334	
	Corowa .....	..	..	..	..	..	1	..	..	..	..	..
	Ten-mile Creek .....	..	..	..	..	..	1	1	..	..	..	..
	Kyambra .....	..	..	..	..	..	..	2	..	..	..	..
	Tarcutta .....	..	..	..	..	..	1	1	..	..	..	..
	Wagga Wagga .....	..	..	1	..	1	1	6	..	..	..	1
	Tumbarumba .....	..	..	..	..	1	..	2	..	..	..	..
	Tumut .....	..	..	..	..	1	..	2	..	..	..	2
	Adelong .....	..	..	..	..	1	..	1	..	..	..	1
	Gundagai .....	..	..	1	..	1	..	5	..	..	..	2
	Jugiong .....	..	..	..	..	..	1	1	..	..	..	1
	Narandera .....	..	..	..	..	1	..	1	..	..	..	..
	Cootamundry .....	..	..	..	..	..	1	1	..	..	..	..
	Urana .....	..	..	..	..	..	1	1	..	..	..	..
	Lachlan	Forbes	1	1	1*	1	3	14	2	2	..	6
		Pinnacle	1	3
Bogolong .....		..	..	1	..	..	..	3	..	..	..	1
Goolagong .....		..	..	..	..	..	..	1	..	..	..	1
Eugowra .....		..	..	..	..	..	1	2	..	..	..	..
Toogong .....		..	..	..	..	..	1	2	..	..	..	..
Canowindra .....		..	..	..	..	..	..	..	..	..	..	1
Cowra .....		..	..	..	..	1	1	2	..	..	..	2
Dubbo .....		..	..	1	..	..	..	2	..	..	..	2
Coonamble .....		..	..	..	..	1	..	1	..	..	..	..
Canonba .....		..	..	..	..	..	1	1	..	..	..	..
Bourke .....		..	..	..	1*	..	..	1	..	..	..	..
Condobolin .....	..	..	..	..	..	..	..	..	1	..	..
Goimbla .....	..	..	..	..	..	..	3	..	..	..	..
Billybong .....	..	..	..	..	..	..	..	..	..	1	1	
TOTALS		9	4	19	20	32	97	272	21	33	64	355	

* Acting Sub-Inspector.

DISTRIBUTION.

		OFFICERS.	MOUNTED.				FOOT.				TOTAL ALL RANKS.
			1st Class Sergeant.	2nd Class Sergeant.	Senior Constable.	Constable.	1st Class Sergeant.	2nd Class Sergeant.	Senior Constable.	Constable.	
Depôt	Forward	32	20	32	97	272	21	33	64	355	
	Supernumeraries under instruction, &c., &c. ..	..	..	1	6	19	2	1	3	15	
	Gold Escorts .....	..	..	..	..	..	4	..	..	10	
	En route to fill vacancies in the country or transferred since date of returns from Country Districts. ....	..	..	..	..	1	..	..	..	2	
TOTAL		32	20	33	103	292	27	34	67	382	

Police Department,
Inspector General's Office, Sydney,
21 December, 1863.

JNO. M'LERIE,
I. G. P.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

P O L I C E .

(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 12 February, 1864.

A RETURN showing the Grades and Number of Police, and Number of Police Stations, in each Police District, corrected by latest Returns received.

POLICE DISTRICT.	HEAD STATION.	No. of Police Stations in each Police District.	GRADES.											TOTAL, ALL RANKS.
			MOUNTED.						FOOT.					
			Superintendents.	Inspectors.	Sub-Inspectors.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	
Metropolitan.....	Sydney	26	..	1	1	..	..	..	..	7	18	29	105	161
Northern	Armidale	24	*1	..	2	1	5	11	22	1	1	3	21	68
Southern.....	Braidwood	21	1	1	1	1	5	11	20	1	3	5	29	78
Eastern	Sydney	30	..	..	2	1	..	8	13	5	2	4	43	78
Western	Bathurst	36	1	..	3	4	5	19	48	1	1	6	41	129
North-eastern	Maitland	23	1	..	1	5	..	5	18	..	4	4	48	86
North-western	Tamworth.....	11	1	..	..	..	3	6	17	..	1	..	11	39
South-eastern	Goulburn	23	1	1	3	2	4	14	52	2	2	8	31	120
South-western	Deniliquin.....	10	1	..	1	2	..	1	11	2	..	5	12	35
Murray	Albury	15	1	..	2	2	6	8	27	..	..	1	12	59
Lachlan	Forbes	15	..	1	3	2	3	8	35	2	3	1	14	72
Depôt, including Gold Escorts, Super-numeraries under instruction, and men en route to Country Stations..)		..	..	..	..	..	1	6	20	6	1	3	34	71
		..	8	4	19	20	32	97	283	27	36	69	401	996

* Acting.

*Police Department,
Inspector General's Office,
11th February, 1864.*

JNO. M'LERIE,
Inspector General of Police.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

P O L I C E .

(RETURN SHEWING POLICE IN SOUTH-EASTERN POLICE DISTRICT, ETC.)

Ordered by the Legislative Assembly to be Printed, 9 March, 1864.

RETURN shewing the number and rank of the Police at the various Stations in the South-eastern Police District, and the distances of such Stations from Cooma and Braidwood respectively.

Police Stations in the Southern District.	Number of Miles distant from		Number and Rank of the Police at each Station.			
	Braidwood	Cooma.	Officers.	Sergeants.	Senior Constables.	Constables
Cooma.....	152	.....	1	1	1	5
Braidwood.....	.....	152	1	2	2	4
Frying Pan.....	172	24	.....	.....	.....	1
Nimitabell.....	172	24	.....	.....	1	1
Kiandra.....	207	55	.....	.....	1	3
Michelago.....	66	40	.....	.....	1	1
Bombala.....	207	55	.....	1	.....	3
Jingera.....	27	60	.....	.....	1	1
Mongarlow.....	12	160	.....	.....	1	1
Queanbeyan.....	33	70	.....	1	1	5
Bungendore.....	30	93	.....	.....	1	1
Gundaroo.....	50	117	.....	.....	.....	2
Araluen.....	15	150	.....	1	1	3
Major's Creek.....	12	150	.....	.....	1	1
Nelligen.....	30	180	.....	.....	1	1
Moruya.....	37	150	.....	1	1	4
Nerrigundah.....	67	120	.....	1	.....	4
Eden.....	115	100	1	1	.....	2
Panbula.....	105	90	.....	.....	.....	2
Merimbula.....	102	100	.....	.....	.....	1
Bega.....	85	92	.....	.....	1	2

JNO. M'LERIE,
I. G. P.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. CHATFIELD, LATE SUPERINTENDENT OF POLICE.

(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be Printed, 23 March, 1864.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 23 February, 1864, That there be laid upon the Table of this House,—

“ All Correspondence, Reports from Mr. Chatfield, or Minutes
 “ respecting the conduct of that gentleman as Superintendent
 “ of Police, while on especial duty in the Southern and
 “ Western Districts, having reference to his removal from
 “ the Public Service.”

(Mr. Cowper.)

SCHEDULE.

NO.	PAGE.
1. Inspector General of Police to the Under Secretary, transmitting Correspondence relating to Mr. Chatfield. 13 January, 1864	2
2. Under Secretary to Inspector General, respecting the suspension and discontinuance of the services of Mr. Chatfield. 20 November, 1863	6
3. Inspector General to the Under Secretary, forwarding a letter from Mr. Chatfield on the same subject (21 November, 1863). 23 November, 1863	6
4. Under Secretary to Inspector General, in reply. 30 November, 1863	6
5. Inspector General to the Under Secretary, forwarding a further communication from Mr. Chatfield (10 December, 1863). 11 December, 1863	7
6. Under Secretary to Inspector General, in reply. 18 December, 1863	8
7. Mr. Chatfield to the Inspector General, requesting to be allowed to proceed to Sydney, with Minute of Colonial Secretary thereon. 19 December, 1863	8
8. Minute of the Colonial Secretary for the Executive Council. 4 January, 1864	8
9. Minute of the Executive Council. 18 January, 1864	8
10. Under Secretary to Inspector General, communicating the decision of His Excellency the Governor and Executive Council in Mr. Chatfield's case. 28 January, 1864	9
11. Inspector General to Under Secretary, forwarding a letter from Mr. Chatfield respecting his salary. 28 January, 1864	9
12. Under Secretary to Inspector General, in reply. 11 February, 1864	9
13. Inspector General to Under Secretary, forwarding a further letter from Mr. Chatfield, referring to his removal from the public service. 4 February, 1864	10
14. Under Secretary to Inspector General, in reply. 8 February, 1864	10

MR. CHATFIELD, LATE SUPERINTENDENT OF POLICE.

No. 1.

INSPECTOR GENERAL OF POLICE to PRINCIPAL UNDER SECRETARY.

*Police Department,
Inspector General's Office,
Sydney, 13 January, 1864.*

SIR,

In compliance with the request contained in your letter of the 31st December last, I do myself the honor to transmit copy of the correspondence in my possession respecting Mr. Chatfield, that you may be enabled to complete the file required for the Assembly.

I have, &c.,
JNO. M'LERIE,
Inspector General of Police.

[*Enclosures in No. 1.*]

Cowra, 5 October, 1863.

My dear Sir,

I have just seen a note from Mr. Orridge to Sir F. Pottinger, by which I am led to believe you wish me to proceed to Canowindra; I start accordingly to-morrow for that place; my party, however, only consists of three men besides myself.

I do not think it quite fair, as Superintendent of a District, to have my best men taken away from me, and to be sent about the country with a party so small. Had I a larger party I might perhaps have been able to do something, but with three I shall have enough to do to protect myself should I by chance meet the bushrangers.

Yours, truly,
WM. CHATFIELD.

P.S.—If you can spare me two men and horses I shall gladly avail myself of the increase to my strength. Please let me know when to leave Canowindra.

Capt. M'Levie,
Carcoar.

Cowra, 12 October, 1863.

Sir,

I have the honor to report, for your information, that I returned to Cowra yesterday, and intend to retrace my steps towards Canowindra to-morrow.

My party is so small, consisting only of three constables besides myself, that I fear I could not do much towards the capture of the bushrangers should they again visit Canowindra. I beg, therefore, to request that, if possible, it may be strengthened by at least two, and this request I make with the more confidence, having brought nine constables with me from my own to the South-eastern District.

I have, &c.,
W. CHATFIELD,
Supt., Eastern District.

The Inspector General of Police,
Bathurst.

Bathurst, 14 October, 1863.

Sir,

I have the honor to acknowledge the receipt of your letter of the 12th instant, reporting your arrival at Cowra on the 11th, and your intended return to Canowindra on the 13th, and to acquaint you, in reply, that a senior constable and one constable (mounted) has been detailed for duty at Canowindra. The senior constable will hand you this communication; and if nothing is heard of the presence of the bushrangers in the vicinity of that township, you will leave the party sent from Bathurst for permanent duty at Canowindra, and return with the party under your orders to Cowra, and there wait for further instructions.

I may add, that it was not intended, with your small party, that you should have gone in pursuit of the bushrangers, but that you should have watched the Lachlan, and have ascertained whether the gang had crossed that river towards the Young district.

I have, &c.,
JOHN M'LERIE,
Inspector General of Police.

To Supt. Chatfield.

Canowindra, Wednesday.

Sir,

I wish to inform you that the bushrangers, viz., Gilbert, O'Meally, Hall, Burke, and Vane, are here; they came here on Monday morning at 8 o'clock, and have been on and off until 1 o'clock to-day. They stuck up the stores and public-houses, and every one that was travelling to and from the Lachlan yesterday, and detained them all day—would not let any one go, for fear of giving information. Constable Sykes could not get across the river to go to Cowra; he then started to go to Eugowra, but they met him somewhere on the road and turned him back; they would not leave sight of him all day yesterday, and took all his firearms and handcuffs, but gave them back to him last night, saying they would give him or any one else fifty lashes if they left the town. They detained Twaddell, Hibberson, and Kirkpatrick, but did not search the former; John O'Meally searched Kirkpatrick and took a revolver from him. I have not time to give you any more information, as the mail is starting; the bushrangers are only now gone, so I could not write while they were here.

I am, &c.,
WILLIAM ROBINSON.

To Sir F. Pottinger,
Cowra.

I have to throw this letter over in a bottle, as the river is very high.

Cowra,

Cowra, Wednesday, 7 P.M.

MEMO:—

Intelligence has just arrived that on Mr. Chatfield (injudiciously I think) leaving Canowindra, the "5" put in an appearance at 8 p.m., bailed up the township and everybody passing, and remained there till 1 this afternoon. It would seem they are intent on the Escort, but were baffled by Saunderson's precautions; and the party at Goolagong who having seen the Escort by, returned to "spell" at Goolagong.

2. Mr. Chatfield started at once this evening with two men, having only light enough to swim two of the horses.

He proceeds to-night to Goolagong, and with the party there swims the river the first thing in the morning at Young's, on the Lachlan Road (there being a boat there), and thence works across to Canowindra, sending one man with instructions from me, to the Eugowra party, to co-operate with the Toogong men, and work the bush thereabouts between this and the next mail. To-morrow I proceed, or send a party with a boat in a cart to the Belubula, establishing *pro tem.* a station at the crossing-place close to Canowindra, as in the present state of the weather the district in that quarter is necessarily quite isolated and at the mercy of the gang.

I shall either leave or stay with a good party, however, here, as I am positively informed they are only waiting my departure to make a descent here.

I have nothing more to report.

FREDERICK POTTINGER.

The Inspector General.

N.B.—The Carcoar police had better work towards Canowindra. I have informed them of the contents of this. The Orange police must look out too. The rivers and creeks are higher than they have yet been—regular bankers.—F.P.

Police Department,
Inspector General's Office,
19 October, 1863.

[Immediate.]

Sir,

Referring to your letter, dated the 12th instant, reporting your return from Canowindra to Cowra on the previous day, and your intention of returning thither on the following day (Tuesday), I have to request that you will report under what circumstances you considered it advisable to leave Canowindra without instructions, and what prevented you from returning there on Tuesday, as proposed, the result of the course adopted being a serious outrage in the township left unprotected?

I am informed by the Colonial Secretary that the Government will hold officers of police responsible when such outrages take place in the localities where they are employed on duty, unless they can satisfactorily shew that, by no exertions on their part, with the police under their command, such offences could have been prevented, or were promptly checked. You will therefore forward me, at your earliest convenience, a report, in explanation, to lay before the Government.

I have, &c.,

JNO. M'LERIE,
Inspector General of Police.

Wm. Chatfield, Esq.,
Superintendent of Police,
(Care of Sir F. Pottinger, Cowra.)

Canowindra, 23 October, 1863.

Sir,

I have just returned to Canowindra, I am sorry to say, without success. Last night I camped at Nyrang Creek, and discovered a hill known as "Bald Hill," where the tracks of the bushrangers were very distinct, and some horse dung so fresh that they must have been there on Tuesday last. This day I proposed attempting to pick up and follow the tracks, but heavy rain falling from 4 until 9 o'clock this morning rendered it impossible, the spoor being destroyed, and the ground so soft that the horses could not carry their riders without danger of straining.

On my arrival here I found a party of six men whom Sir Frederick Pottinger has sent to co-operate with me. The senior constable (Wright) has gone to Mr. Grant's; I have not yet seen him, but one of the men tells me that the whole five bushrangers were seen the day before yesterday at Hardigan's, some miles up the Belubula. I have also heard that they have a camping place opposite Mr. Grant's, on the Canowindra side of the creek, on a rising ground, whence they can see everything that goes on. I purpose going there this evening with the fresh party now here.

The Bald Hill just mentioned, is a remarkable place, from whence the bushrangers had a view of the Eugowra Road, the crossing-place at King's, on the Nyrang Creek, and the whole surrounding neighbourhood. From this hill they can escape in any direction through the bush; but should they again make it their rendezvous, which, as I am keeping its discovery dark, is probable, I think it improbable that they could altogether escape, were two police parties working together, and ascending the hill from different directions. I do not think any of the gang have gone from this part of the country, unless there be truth in the report that they were seen at Hardigan's; if so, they are returning to No. 1 Swamp, through King's Plains.

I believe I told you in my note from Coimbla, that I had engaged a black tracker, "Albert;" he was in the Police at Forbes, some time ago. Without him I could have done nothing, the whole country being intersected by hills and gullies, and being a perfect *terra incognita* to me and my party; I have gone over a great deal of it, but much more might be searched with advantage, should the gang be still in this neighbourhood.

I beg to call your attention to the perfect uselessness of sending parties of police out after bushrangers, such as are now at large, without trackers; by chance they might meet the offenders, but they would never trace or find them.

I trust you will excuse this note; I have no other paper. I have been up nearly all night, and am wet through. I have one request to make, before I conclude, which is to be rendered perfectly independent of Sir Frederick Pottinger. I have only three men of my own; I consider I ought to have five. Sir Frederick has lent me one; he has also sent a party to co-operate, but he writes to me as if to a subordinate under him. As a senior officer working out of my own district this is not pleasant; at the same time I will not allow any such feelings to interfere with the public service. This request I make contingent on my being continued here, for, unless I hear further from you and I learn that the gang have left this district, I intend returning to the Flat by the end of next week.

I have, &c.,

W. CHATFIELD,
Supt., Eastern District.

The Inspector General of Police,
Sydney.

P.S.—I was obliged to purchase a horse at Coimbla, to remount one of my men who was riding a borrowed horse; it is not such as I should like to have bought; I gave £10 for it. I trust you will sanction the purchase; at the same time I must inform you that it is already strained in the back sinew from being sent after the pack mare, which broke her hobbles and got into the bush. I am obliged to leave it here and mount the constable on the pack mare.—W. CHATFIELD, S.P.

Canowindra,

4 MR. CHATFIELD, LATE SUPERINTENDENT OF POLICE.

Canowindra, 24 October, 1863.

MEMO. :—

Senior Constable Hamilton and party return to Cowra, there being reason to believe the bushrangers have for the present left this neighbourhood.

Senior Constable Hamilton is in charge of a prisoner and stolen horse.

To Sir F. Pottinger,
Supt. of Police, Cowra.

W. CHATFIELD,
Supt. of Police.

Canowindra, 24 October, 1863.

Sir,

In answer to your letter, No. 246, of the 19th instant, I have the honor to state that I received no instructions from you, for my guidance, beyond a passing remark in a note to Sir F. Pottinger, from Mr. Orridge, which the former gentleman shewed me, by which it seemed you wished me to proceed to Canowindra, which I did, and remained there some days without acquiring any information regarding the bushrangers. I then thought it advisable to proceed to Cowra, *via* Limestone Creek, intending to return on the Tuesday, but the rain fell so heavily that I was certain I could not cross the Belubula; I therefore thought it better to give the men and horses another day's spell at Cowra.

Had I received any definite instructions I should, to the best of my ability, have acted up to them; as it was, I acted according to the best of my judgment. Trusting this will be sufficient explanation to exculpate me from all blame,—

I have, &c.,
W. CHATFIELD,
Supt., Eastern District.

The Inspector General of Police,
Sydney.

Canowindra, 27 October, 1863.

Sir,

I am sorry to have to inform you that Mr. Grant, a Magistrate, residing at Belubula, has reported Senior Constable Wright to me, as having been under the influence of liquor on Wednesday last, when in command of a party in search of the bushrangers. I delayed reporting this by last mail, in order that I might make further inquiry into the matter. This day Senior Constable Wright of his own accord admitted that he was under the influence of liquor, though not drunk, stating that Mr. Grant himself gave him something to drink.

Senior Constable Wright has, I believe, distinguished himself once or twice in pursuit of bushrangers, and thereby obtained his promotion to his present rank; how far this is correct I cannot myself say, as he belongs to the Western District, but I trust his former conduct, if good, may be taken into consideration in mitigation of his punishment.

Senior Constable Wright has expressed a wish to be allowed to send in his resignation rather than be reduced.

From inquiry I find that Wright was sober when he returned to Canowindra the same day, and wrote reports to the different stations, stating that the bushrangers had crossed the creek.

I have, &c.,
W. CHATFIELD,
Supt., Eastern District.

The Inspector General of Police,
Sydney.

Canowindra, 8 A.M., 4 November, 1863.

[In haste.]

MEMO. :—

As I and my party were returning to Canowindra this morning, from watching Hardigan's, we fell in with four fresh tracks, followed them into Canowindra, and learnt that Gilbert, O'Meally, and Hall came in last night at 1.30, and left at 1.45, stating that they intended clearing out, and that they did not want it known that they had been here. It is believed, from what they said, that they came from Rockley the same day.

I start again in pursuit at once. I believe they have gone west from this.

The Inspector General of Police,
&c., &c., &c.

WM. CHATFIELD,
Supt., Eastern District.

6 November, 1863.

From Sir F. Pottinger, Cowra, via Bathurst, to Inspector General of Police, Sydney.

Cowra, November 4th, 11 a.m.—Just heard that, in temporary absence of Mr. Chatfield, ten miles off, Gilbert, O'Meally, and Hall (3), visited Canowindra at 1 a.m. this morning, staying a quarter of an hour; they started westward from Canowindra, taking only grog, saying they did not wish their visit known, as they were going to clear out. I do not believe they will, at all events. I start at once to (if possible) get on the tracks.

No more police wanted at Canowindra or here; let each district look after itself. Should they clear out they will make by New England towards the north.

Canowindra, 5 November, 1863.

Sir,

I have the honor to inform you that I yesterday fell in with the tracks of the bushrangers about a mile from Canowindra, and followed them through a camp just vacated, and got sight of four men about six miles from it; my party immediately pushed forward, captured one man, who turned out to be a telegraph; but immediately after, my own and three other horses got bogged; the bushrangers, having nearly got through the bog before we viewed them, got off out of sight over the range. We followed the tracks for nearly forty miles; at dark I reach Bangaroo, Mr. Icely's station; the woman of the house came out and said, "You are just too late; Gilbert has gone that way; Hall and O'Meally that."

MR. CHATFIELD, LATE SUPERINTENDENT OF POLICE.

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that," pointing out the direction taken. I immediately caused three men to dismount and watch the house, while I, with two men and the tracker, went after Gilbert; it was however so dark that we could see nothing. I soon gave orders to return to the house. While returning we heard a shot fired; on coming up to the dismounted men I learnt that Gilbert had passed close to them; unfortunately the rifle hung fire and did not go off until lowered from the shoulder; the other men did not see Gilbert in time to fire.

This morning there was heavy rain; no tracks were to be found. I went down the river some eight miles, could gain no tidings of the men, and then turned towards this, thinking they would again make this way. Since my return I have heard of them; they must have crossed the creek at Duffy's Falls, about a mile below Canowindra, and as it is probable they may make to-night for Mogong, I have sent a party of three, with the tracker, to look out there to-night.

I should have surprised these men had it not been for a man named Urquhart, whom I left at 9 o'clock in the public-house verandah; half an hour after I saw him on the Cargo Road. When I came to the bushrangers' camp, a short time after, I found a bottle of gin and a blanket, the latter still warm as if lately lain on, and then I found Urquhart at about 11 with Gilbert, Hall, and O'Meally; he was brought up by a shot being fired at him. The troopers were so excited that I had some difficulty to save his life. I handcuffed him and left him in the bush. This morning I found him in Canowindra, and have him now a prisoner. I shall as soon as possible send him in to Carcoar.

The Lachlan is getting passable, and as it is the great desire of these men to cross, I think every exertion ought to be made to keep them within the limits of Eugowra, Tugong, and this by means of police stationed at those and some intervening places, especially Nanima, Cargo, and Bangaroo; and have two working parties, one in the bush, the other spelling, each party provided with trackers who know the country, and both subject to the commands of one officer; spare horses also ought to be provided; had it not been for horses found which had been in possession of the bushrangers, I should not have been able to work for the last week or more.

This is the only paper I can get to write on; you will therefore pardon its unofficial character.

When I left the Flat I only expected to be away a week or ten days; I have now been nearly six. I must therefore request shortly to be allowed to return to the Flat, to provide myself with fresh clothes, those I am now wearing being worn out; but what I most require is ammunition; I am run so short that I fear to discharge a piece in order to clean it; my men are in the same condition as myself in regard to clothes, and two months pay is now due to them, which some of them may wish to transmit to their families. (I am including the men left in the S. E. District, for whom Superintendent Zouch informed me I should have to sign the abstracts.)

I have, &c.,

WM. CHATFIELD,
Supt., Eastern District

The Inspector General of Police,
Sydney.

Police Department,
Inspector General's Office,
Sydney, 10 November, 1863.

Sir,

Having laid before the Honorable the Colonial Secretary your letter, dated the 5th instant, reporting an unsuccessful effort to capture the three offenders, Gilbert, Hall, and O'Meally, when you pursued them on the day previous, I regret that I am to inform you that your report is not considered satisfactory by the Government, and accordingly you are to consider yourself suspended until further inquiry be made.

You will be good enough, therefore, to return forthwith to your own district.

I have, &c.,

JNO. M'LERIE,
Inspector General of Police.

Wm. Chatfield, Esq.,
Superintendent of Police.

Goulburn, 16 November, 1863.

Sir,

I have the honor to report that I arrived here yesterday with the men named in the margin, regarding whom I forwarded a telegram to your office this morning.

I received your communication of the 10th instant with astonishment, as not having any charge specified therein, I am at a loss to know why I am suspended.

As I consider suspension a slur and disgrace, and an act which must tend to lower the estimate in which an officer is held in the opinion of those under his command, I must request that an inquiry regarding my unsuccessful effort to capture the three offenders, Gilbert, Hall, and O'Meally, be instituted at once, that my character may be cleared, though from what imputation I am at a loss to discover from your communication.

I have, &c.,

WM. CHATFIELD.

The Inspector General of Police,
Sydney.

Police Department,
Inspector General's Office,
Sydney, 18 November, 1863.

Sir,

I have the honor to inform you that Superintendent Chatfield, having been suspended from duty, has reported his arrival in Sydney.

I beg to request instructions respecting the course to be adopted in his case.

I have, &c.,

JNO. M'LERIE,
Inspector General of Police.

The Principal Under Secretary,
&c., &c., &c.

6 MR. CHATFIELD, LATE SUPERINTENDENT OF POLICE.

No. 2.

PRINCIPAL UNDER SECRETARY to INSPECTOR GENERAL OF POLICE.

*Colonial Secretary's Office,
Sydney, 20 November, 1863.*

SIR,

With reference to the interview which Mr. Chatfield, Superintendent of Police, had recently with the Colonial Secretary on the subject of his suspension, I am directed to inform you, for the purpose of being communicated to that officer, that Mr. Forster does not see any benefit likely to arise, either to the public or to Mr. Chatfield, from inquiry into the circumstances which have led to his being suspended. The Colonial Secretary has thought it his duty to take this step for many reasons. It had been previously reported to him that Mr. Chatfield was physically incapacitated for the duties of Superintendent of Police, and on two late occasions, when good opportunities of capturing bushrangers were missed, it seemed that he was in some degree to blame. When Gilbert and his party shewed themselves at Canowindra, Mr. Chatfield was absent from his post. When he lately came up with the same party at Bungaroo he failed to capture them, as it seems to Mr. Forster, from his own account, from want of energy. The explanations of these matters have not been satisfactory to the Colonial Secretary, who therefore cannot recommend his being retained in the public service at a time when the utmost energy and capacity are necessary to render the police efficient; but under the circumstances, there can be no objection to Mr. Chatfield resigning, and Mr. Forster will not consider him as ineligible for any other appointment.

I have, &c.,
WM. ELYARD.

No. 3.

INSPECTOR GENERAL OF POLICE to PRINCIPAL UNDER SECRETARY.

*Police Department,
Inspector General's Office,
Sydney, 23 November, 1863.*

SIR,

I have the honor to transmit herewith, for the information of the Honorable the Colonial Secretary, a letter just received from Superintendent Chatfield, at Parramatta.

I have, &c.,
JNO. M'LERIE,
Inspector General of Police.

[Enclosure in No. 3.]

Parramatta, 21 November, 1863.

Sir,

I have the honor to acknowledge the receipt of your communication of yesterday's date, accompanying a copy of a letter from the Colonial Secretary's Department, with reference to my recent suspension; and I cannot refrain from expressing my surprise at the tenor of that communication, after what fell from Mr. Forster in the interview with which he favoured me, and to which allusion is made in that letter.

The Colonial Secretary admitted my right to an inquiry into the circumstances which were supposed to justify my suspension, and I left him under the impression that he was prepared to grant it. His denial now, and a virtual dismissal from the office I hold, in the manner proposed, would, I respectfully submit, be an act of injustice. I therefore repeat my request for the fullest inquiry, by an impartial tribunal, into my conduct ever since I have been Superintendent of Police; and should the result of that inquiry prove that I am physically incapacitated for the duties, or that I have been wanting in energy or capacity, I shall be prepared to submit to the verdict; but I hope I may be pardoned for saying that, to decide upon my case in so summary a manner as is indicated, would be casting a slur upon me which I feel would be most undeserved, after having, as I contend, performed my duties with zeal and assiduity.

The Inspector General of Police,
Sydney.

I have, &c.,
WM. CHATFIELD.

No. 4.

PRINCIPAL UNDER SECRETARY to INSPECTOR GENERAL OF POLICE.

(63-6363.)

*Colonial Secretary's Office,
Sydney, 30 November, 1863.*

SIR,

I am directed to acknowledge the receipt of your letter of the 23rd instant, enclosing one from Superintendent Chatfield, protesting against his removal from office, and requesting an inquiry by an impartial tribunal into his conduct.

2. The Colonial Secretary desires me to request that you will apprise Mr. Chatfield that, for granting or instituting inquiry into the conduct or the fitness of public officers,

officers, the Government must exercise discretion as to the form, nature, and extent of such inquiry. It is obvious that a judicial tribunal, such as Mr. Chatfield demands, is unsuitable to determine the question of fitness or capacity, which may involve no direct charge or definite offence whatsoever, and that to inquire by such means into every case of suspension or dismissal would render government impossible. The Colonial Secretary has inquired into Mr. Chatfield's case, as he promised. He is willing to receive from him and to consider any further explanation or statement he may wish to offer; but at present, being responsible for the efficiency of the force, Mr. Forster cannot recommend Mr. Chatfield's services to be continued as a Superintendent of Police.

I have, &c.,
W. ELYARD.

No. 5.

INSPECTOR GENERAL OF POLICE to PRINCIPAL UNDER SECRETARY.

Police Department,
Inspector General's Office,
Sydney, 11 December, 1863.

SIR,

At the request of Mr. Chatfield, I do myself the honor to transmit a further letter of explanation, addressed to me by that gentleman.

I have, &c.,
JNO. M'LERIE,
Inspector General of Police.

[Enclosure in No. 5.]

Parramatta, 10 December, 1863.

Sir,

I have the honor to acknowledge your letter of the 3rd instant, No. 527, with that from the Colonial Secretary's Department, No. 63-6363, attached, by which it appears that the Chief Secretary understood my letter of the 21st November, as applying for a "judicial tribunal," the words were "inquiry by an impartial tribunal." The Under Secretary's letter further states that Mr. Forster is willing to receive and to consider any further explanation or statement I may wish to offer.

In regard to explanation; not having been called upon to explain any single act during my tenure of office, I can have none to offer. As to statement, I make the following, by which I confidently believe I shall prove to Mr. Forster that I have been an efficient officer.

In April, 1861, I was appointed Superintendent of the Western Patrol, which office I held by Commission from the Governor General. On the 1st March, 1862, the patrol having ceased to exist, and a new system of police coming into force, I was appointed one of the Superintendents, under the Act 25 Vict., No. 16, sec. 4, the duties of which are laid down in the Police Regulations, sections 65 to 110, and had the control of the police in the Eastern District assigned me.

From March, 1862, up to August, 1863, I contend I did my duty with zeal and assiduity; and I believe that, as far as the materials with which I had to work would allow me, rendered the police in my district efficient.

On the 28th August I was ordered, by telegram, without any previous warning, to proceed at once, with as many men as I could collect, for the south. I received the telegram at 4 p.m. I made all arrangements, started the same evening at 6.30, and arrived in Goulburn on the 31st, with nine mounted men. I was subsequently ordered to Lambing Flat, from whence I was sent to the Abercrombie with three of my own men, with orders to take what other men I required, from Cowra—the rest of my men and horses, some of which were my best, having previously been taken from me.

On the 6th October, with only my own three men, without any orders, but because I believed it to be your wish that I should do so, I went to Canowindra, where I was in camp until the 10th, two days in heavy constant rain, from which my horses suffered severely. Not receiving any tidings of the bushrangers I proceeded to Cowra, and should have returned to Canowindra on the 13th, but rain falling heavily I considered it better for men and horses to remain at Cowra; the next day I knew the creek (Belubula) was flooded, and that I could not cross it to Canowindra; I therefore deemed it better to halt another day. This is the substance of an explanation forwarded to you, in answer to your letter of 19th October, No. 246, and which you informed me *viva voce* was considered satisfactory. I should not now repeat it, but that, in a letter from the Colonial Secretary's Department, of 20th November, I am accused of having been absent from my post when Gilbert and his party shewed themselves at Canowindra.

Again, in the same letter I am accused of having failed to capture the offenders, when I lately came up with them at Bangaroo, from want of energy. If riding from 6 o'clock in the morning until 8 at night, and doing all that could be done to shoot or capture them, be a want of energy, I must then plead guilty.

I must further state, in reference to my leaving Canowindra on the 10th October, that although I had not then received instructions from you, I evidently acted in accordance with your wishes, as explained in your letter of 14th of the same month.

Mr. Forster states, that "it had been previously reported to him that Mr. Chatfield was physically incapacitated for the duties of Superintendent of Police," but does not state in what way.

The duties of Superintendent are laid down, as I have before pointed out, in sections 65 to 110 of the Police Regulations: in what particular have I shewn physical incapacity?

Between 1st January of the present year, and the 15th of November, when I was suspended, I have gone over upwards of 3,000 miles on horseback—have constantly visited my stations—have managed the office work, so that it was never in arrear with correspondence or accounts—and during the period I was out after the bushrangers I was nearly always in camp, frequently experiencing very bad weather, and sometimes without tent or other covering.

The fact of being suspended is a slur upon the character of an officer of police, and a disgrace under which no man, with the feelings of a gentleman, more especially when returning from a duty such as I was sent upon, could willingly submit to, without urging his right to an inquiry into the circumstances supposed to justify his suspension. I therefore again urgently request that an inquiry by a competent and impartial Board may be accorded me.

The Inspector General of Police,
Sydney.

I have, &c.,
WM. CHATFIELD,
Superintendent of Police.

No. 6.

No. 6.

PRINCIPAL UNDER SECRETARY to INSPECTOR GENERAL OF POLICE.

*Colonial Secretary's Office,
Sydney, 18 December, 1863.*

SIR,

In acknowledging the receipt of your letter of the 11th instant, submitting one from Mr. Superintendent Chatfield, in further explanation of the conduct which led to his recent suspension, I am directed by the Colonial Secretary to inform you, that there will be no objection to accept Mr. Chatfield's resignation, but that otherwise the Colonial Secretary sees no reason to alter his previous decision, as communicated to you in my letter of the 30th ultimo.

I have, &c.,
WM. ELYARD.

No. 7.

MR. CHATFIELD to INSPECTOR GENERAL OF POLICE.

Parramatta, 19 December, 1863.

SIR,

I have the honor to request to be allowed to proceed to Sydney, and to remain there from Tuesday the 22nd instant until the 31st.

I have, &c.,
WM. CHATFIELD,
Superintendent of Police.

*Police Department,
Inspector General's Office,
Sydney, 21 December, 1863.*

Submitted for the consideration of the Honorable the Colonial Secretary.

JNO. M'LERIE,
I.G.P.

The Principal Under Secretary,
&c., &c., &c.

What is the meaning of such an application, from an officer who has been given the alternative of being removed or resigning?

The Inspector General of Police.

B.C.—*Dec. 22nd, 1863.*

W.F.

Noted and returned.
Intimation conveyed to Mr. Chatfield, but no reply received.

EDMUND FOSBERY,
(For I.G.P.)

4 Jan., '64.

No. 8.

MINUTE OF THE COLONIAL SECRETARY.

*Colonial Secretary's Office,
Sydney, 4 January, 1864.*

REPORT having been made to the Government that Mr. Chatfield, Superintendent of Police, had exhibited inefficiency and want of energy in the discharge of his duties, and the Government having satisfied themselves of his general unfitness for that office, it is recommended that Mr. Chatfield's services be dispensed with, it being understood that he shall not be ineligible for any other office for which he may be qualified.

WILLIAM FORSTER.

No. 9.

MINUTE OF THE EXECUTIVE COUNCIL.

Minute 64/2, 11 January, 1864.—Confirmed, 18 January, 1864.

FOR the reasons herein stated, and upon the recommendation of the Honorable the Colonial Secretary, the Executive Council advise that the services of Mr. Chatfield, as Superintendent of Police, be dispensed with; but at the same time, should any office become vacant, or be at the disposal of the Government, for which he may be considered qualified, his claims shall receive full consideration.

ALEX. C. BUDGE,
Clerk of the Council.

No. 10.

MR. CHATFIELD, LATE SUPERINTENDENT OF POLICE.

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No. 10.

PRINCIPAL UNDER SECRETARY to INSPECTOR GENERAL OF POLICE.

*Colonial Secretary's Office,
Sydney, 28 January, 1864.*

SIR,

With reference to my letter of the 20th November, 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 approve of the services of Mr. Chatfield, Superintendent of Police, being dispensed with, it being understood that should any office become vacant, or be at the disposal of the Government, for which he may be considered qualified, his claims will receive full consideration.

I have, &c.,
W. ELYARD.

No. 11.

INSPECTOR GENERAL OF POLICE to PRINCIPAL UNDER SECRETARY.

*Police Department,
Inspector General's Office,
Sydney, 28 January, 1864.*

SIR,

I do myself the honor to submit, for the consideration of the Honorable the Colonial Secretary, a letter received from Mr. Chatfield, requesting to be allowed to draw salary as a Superintendent of Police, for the months of November and December, 1863.

The letter addressed from this office, suspending Mr. Chatfield, was written by direction of the Government, on the 10th November.

I have, &c.,
JNO. M'LERIE,
Inspector General of Police.

[Enclosure in No. 11.]

Parramatta, 27 January, 1864.

Sir,

Under separate cover I have the honor to forward my pay abstracts for the months of September and October, 1863, and abstracts for night allowance for the quarters ending 30th September and 31st December of the same year.

I believe that an officer, while under suspension, is not entitled to draw pay without the sanction of the Inspector General of Police. I have, therefore, to request that leave be given to allow me to send in my abstracts for the months of November and December last.

The Inspector General of Police,
Sydney.

I have, &c.,
WM. CHATFIELD.

No. 12.

PRINCIPAL UNDER SECRETARY to INSPECTOR GENERAL OF POLICE.

*Colonial Secretary's Office,
Sydney, 11 February, 1864.*

SIR,

I am directed to acknowledge the receipt of your letter of the 28th ultimo, in which you submitted one from Mr. Chatfield, requesting to be allowed to draw salary as a Superintendent of Police, for the months of November and December, 1863, and to inform you, in reply, that the Colonial Secretary sees no reason for recommending any deviation from the general rule—that the salary of an officer, whose dismissal follows suspension, is not considered due after the date of suspension.

I have, &c.,
W. ELYARD.

No. 13.

INSPECTOR GENERAL OF POLICE to PRINCIPAL UNDER SECRETARY.

*Police Department,
Inspector General's Office,
Sydney, 4 February, 1864.*

SIR,

I do myself the honor to submit, for the consideration of the Honorable the Colonial Secretary, a further letter received from Mr. Chatfield, in reference to his removal from the service. As, however, Mr. Chatfield is no longer connected with this department, I conceive his proper course would now be to address the Government direct.

I have, &c.,
JNO. M'LERIE,
Inspector General of Police.

Parramatta, 2 February, 1864.

Sir,

It is with a feeling of pain and disappointment that I have received your letter of the 29th ultimo, accompanying a copy of a letter from the Colonial Secretary's Office, communicating the final decision of the Government that my services as Superintendent of Police should be dispensed with.

I had indulged the hope that, upon a calm consideration of my letter of the 10th December last, and of the circumstances therein submitted, that the intention which appeared to me to have been hastily announced would not have been proceeded in, but that the Government might have been induced rather to appoint me at once to some other post than to terminate my employment as a public officer, by which my claims for superannuation or retiring allowance are at once annihilated. I would respectfully bring under the notice of Government that this consideration adds materially to the punishment inflicted upon me—a punishment too which I cannot refrain from urging is inflicted without any charge being proved or even formally made against me.

I have been nearly thirteen years in the Government service—from the early part of 1851. I held the office of Visiting Justice to the Gaol, Goulburn, until 1860, when I was appointed Clerk of Petty Sessions, in which office my emoluments amounted to about £500 a year. In 1861 I was promoted to the post of Superintendent of the Western Patrol, and at the passing of the Act 25 Vict., No. 16, I was placed in charge of the police in the Eastern District, as Superintendent.

During the whole of this period I have had no complaint in regard to my conduct in office; I refer more particularly to my conduct as Superintendent of Police in my own district, in respect to the charge of absenting myself from my post at Canowindra in October last; the explanation forwarded the same month was, as I understood from you personally, considered satisfactory.

I have always exerted myself to render the police employed under me efficient, and if the absence of complaints and the harmony existing between the various local Benches of Magistrates and myself be any criterion, I may confidently appeal to these results as proof of it. Had it been desired, I could have produced ample proof in support of the fact from most respectable testimony in writing from various parts of the Colony.

The 7th section of the Police Act, though referring at first to the qualification of constables only, concludes with a paragraph to the effect that "the enactment shall not apply to the qualifications of any person employed in the Police Force at the passing of the Act." By the 11th section I find that "every person subscribing the oath required by the Act shall be considered to have entered into a written agreement with the Government, which agreement shall not be annulled for want of reciprocity, and shall be binding upon the party subscribing until legally discharged or dismissed." The 19th section provides for a deduction of 2 per cent. from the salary of every member of the Police Force, for the purpose of forming a Superannuation Fund; this amount of 2 per cent. has been regularly deducted from my salary, but from which I shall now receive no advantage whatever.

The sections above quoted, more particularly the 19th, appear to me to justify the belief that I was protected by the Act in question from dismissal from the force, without being called upon to answer any charge; and I therefore respectfully submit, that my removal is not only arbitrary and unjust, but that the manner in which it has been carried out is entirely contrary to the spirit of the Act of Parliament under which I held my office.

The Inspector General of Police,
Sydney.

I have, &c.,
WM. CHATFIELD.

No. 14.

PRINCIPAL UNDER SECRETARY to INSPECTOR GENERAL OF POLICE.

*Colonial Secretary's Office,
Sydney, 8 February, 1864.*

SIR,

In acknowledging the receipt of your letter of the 4th instant, submitting a further communication from Mr. Chatfield, relative to his removal from his appointment as a Superintendent of Police, I am directed to inform you that the Colonial Secretary does not see any reason for recommending any deviation from the decision arrived at in this case.

I have, &c.,
W. ELYARD.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

POLICE BUILDINGS AT PATERSON.
(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 11 December, 1863.

A STATEMENT shewing the expense of the Court House and Lock-up at Paterson, as originally erected, the date of its completion, the names of the Contractors, the amount of the different Tenders, the authority for the expenditure, the expense of the new Buildings, and the same information as for the original Building, including the authority for undertaking the work and supplying the fittings, and all particulars relating to these Buildings.

POLICE BUILDINGS AT PATERSON.

PARTICULARS OF EXPENDITURE ON COURT AND WATCH HOUSE, PATERSON.

[Price, 3d.]

Sydney: Thomas Richards, Government Printer—1863.

Nature of Service.	Cost.	From what Vote defrayed.	Amount of different Tenders.	Names of Contractors or Parties supplying.	Authority for the Expenditure, and Remarks.	Date of Completion.
1858.						
ORIGINAL COST.						
Erection of Court and Watch House	£ s. d. 1,114 0 0	Special Vote for 1857-8	£ s. d. 1,114 0 0	S. Stanbridge	Minister for Public Works, on Vote of Parliament	} 14 August, 1858.
Extra work	34 6 0	Repairs to Police Buildings, 1858	<small>Only one tender received, viz., S. Stanbridge's.</small>	Do.	No special authority—contingent on contract	
Furniture	5 13 9	Furniture for do. .. .. .	.....	Morman and Bromfield	No special authority	
1859.						
Furniture and conveyance	31 15 6	Furniture and fittings, 1859 .. .. .	.....	Hill & Co.	} No special authority	} January and February, 1859.
Fittings	24 2 0	Do. do. .. .. .	.....	S. Stanbridge		
1861.						
Erecting verandah, fence, and repairs to old Court House	254 0 0	Vote for Gaols and Court Houses, 1860	254 0 0	Do.	} Secretary for Public Works	} 3 April, 1861.
Extra work	70 10 0	Do. do.	<small>Only one tender obtained by Bench of Magistrates.</small>	Do.		
1862-3.						
NEW BUILDINGS, &c.						
Alterations and additions	892 0 0	Vote for Gaols and Court Houses, 1862	892 9 0	C. Mack	Secretary for Public Works	— June, 1863.
Converting back part of Court House into Police Barracks	250 0 0	Gaols and Court Houses, 1863	898 0 0 970 0 0 1,150 0 0 245 13 6	Do.	} Verbal instructions of Secretary for Public Works to Clerk of Works	} 26 June, 1863.
Extra work	156 10 0	Do. do.	<small>Only one tender, obtained privately.</small>	Do.		
Erecting stables	219 0 0	Do. do.	219 0 0	S. Stanbridge	Minister for Public Works	2 October, 1863.
Fence with gates, &c.	81 4 0	Do. do.	320 0 0	Do.	} Verbal instructions of Secretary for Public Works to Clerk of Works	} 2 October, 1863.
Making road	30 0 0	Do. do.	81 4 0* 30 0 0*	Do.		
Altering fence	3 0 0	Do. do.	<small>*The only tenders received, obtained privately.</small>	Do.	} Minister for Public Works	} Not yet reported as completed.
Constructing tank	98 0 0	Not yet authorized	98 0 0	C. Mack		
Constructing balustrade	22 0 0	Do.	115 0 0 105 0 0	Do.	Verbal instructions from Secretary for Public Works to Clerk of Works.	} 29 May, 1863.
Fittings for Court House	150 0 0	Vote for Gaols and Court Houses, 1863	153 0 0	W. Harmer	Acceptance of tender verbally sanctioned by Mr. Arnold.	
Extra fittings and packing-cases	28 0 0	} These accounts have not as yet been paid	<small>Only one tender received, obtained privately.</small>	Do.	} Verbal instructions from Mr. Secretary Arnold.	
Carpet for Court House	11 12 9					
Coat of arms for Court House	14 0 0					
Painting coat of arms	2 0 0					
Candle brackets	2 17 0					
Blinds for Court House	17 13 0		Vote for Gaols and Court Houses, 1863 .. .. .	.....		A. Lenchan
						P. N. Russell & Co.
				W. Renny		
				J. Keep		
				F. Ash		
Cost of original Buildings, including furniture and fittings	1,209 17 3					
Cost of new Buildings, &c., including furniture and fittings	2,302 6 9					
TOTAL COST	£ 3,512 4 0					

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PENAL ESTABLISHMENTS.

(LETTER, FROM CATHOLIC BISHOP OF HOBARTOWN, RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 12 August, 1863.

Sydney, 1 August, 1863.

SIR,

I have the honor to request that you will allow me, most respectfully, to communicate to you the impressions made on my mind during a visit I paid to the Penal Station on Cockatoo Island, Wednesday, the 29th ultimo.

2. Before doing so, I beg to premise that circumstances have brought me almost daily into contact with convict discipline in Tasmania for nearly twenty years, and that my visit at this time to Cockatoo Island was not the first.

3. As soon as the Report of a Committee of the Parliament of New South Wales, on the state of the Prisons in and near to Sydney, two or three years ago, was published, I procured a copy, and as a British subject, read it with much pain, but some of its important details without surprise.

4. Returning from a second of three visits to Norfolk Island, in October, 1849, and touching at Sydney for a few days, I went through the Penal Station on Cockatoo Island, and was shocked at arrangements then in existence, principally as regarded the sleeping apartments, and for the accommodation of the convicts on Sundays, wet days, and evenings, after work. From the construction of the sleeping berths and the formation of the rooms, I could only come to one conclusion, namely, that the same class of crimes I found existed so extensively on Norfolk Island, in 1846, must I may say necessarily be expected to take place. I did not fail to communicate my fears to those connected with the convict discipline; however, judging from the Report just referred to, I feel assured my humble remonstrance was without effect.

5. The arrangements for sleeping on Norfolk Island, in 1846, were precisely the same as those now on Cockatoo Island—in hammocks. But on Norfolk Island, the doors of the sleeping wards were closed, and no lights were in them,—here, there is an iron-bar grate at the end of the ward, and a light in each of them.

6. This arrangement, however, I believe to be still very inefficient to meet the difficulty to be contended with. I feel convinced, from too well-grounded experience, that nothing short of a separation, by strips of wood or light cast iron-work, placed the whole length of the beds, with lights burning throughout the whole of the night, and a constable from the time the men retire until they rise in the morning constantly patrolling these wards in cloth shoes, will overcome an evil that brings destruction to many when first brought into contact with that unhappy class, and which renders every effort useless in restoring a fallen man, and in fitting him for decent society. In Tasmania, for many years past, every convict, whether male or female, has slept with such separation as I have described.

7. In 1846 I found on Norfolk Island twelve cells, ten feet deep, seven feet long, and five feet wide, like cellars beneath the surface of the floor. These dungeon-like places were used as solitary cells, the prisoners being let down by a ladder through a trap-door. On Mr. Price's arrival on the island, as Civil Commandant, about July the same year, these prison graves were at once abandoned and filled up.

8. On my visit to Cockatoo Island in 1849, to my great surprise, and I must say, as an Englishman, shame and regret, I found twelve cells similar to those I had seen on Norfolk Island in 1846. I was informed that they were constructed on the plan of those on Norfolk Island! I of course raised my feeble voice regarding them in that quarter where I hoped it would have effect; but alas! they still remain to this day, and are in constant use! The sentences carried out in these living tombs range from seven to twenty-eight days, the law not permitting a longer period of such incarceration at one

time; and twenty-eight days, I think, must intervene before a repetition of that punishment can take place. I learnt on Cockatoo Island the men pass the whole twenty-eight days without exercise in the open air!—and are only permitted to come up from their dungeon abode once in seven days to wash. One pound of bread per diem, and water, is the food allowed. The cells are visited twice in the week by the medical gentleman who attends the station, from Sydney, there being no one properly qualified resident on the Island to do so. By direction of this gentleman, a convict may be allowed to be in the open air for a time. The nature of the examination of each prisoner by the medical officer, in their underground cells, I am not able to say, that is, whether he descends into them to do so, or if each one is permitted to emerge from his living grave to be examined; but we must remember there are five days in each week these unfortunate men cannot be examined by the medical attendant, the only person who is competent to judge when it may be right to relieve a man from such incarceration. In Tasmania, every one undergoing solitary confinement must be visited once each day by the medical attendant; and I think in England the statute law requires this observance. I may add, that in Tasmania, and I believe in the Prisons in England, a man undergoing solitary confinement always has open air exercise one and generally two hours a day.

9. I may here be allowed to observe, that I am opinion, founded on my own experience, that no kind of punishment falls so unequally on men, very often, as solitary confinement, both physically and mentally. The rapidity with which some men decrease in weight, in the course of ten or twelve days, would astonish those who are not conversant with such fact; whereas others, undergoing precisely the same infliction, will not shrink at all—and mentally the same. Some men will leave their solitude with comparative cheerfulness; but on other unfortunate creatures the effect has been so powerful as to induce incipient insanity, or that dull and paralyzed state of mind that not unfrequently subjects them, if under injudicious officers, to much trouble and unjust punishment. Men suffering solitary confinement should undoubtedly, in my humble judgment, be examined daily by a careful and skilful medical attendant.

10. Sir, in directing your attention to these Prison matters, I trust you will not suppose that I am influenced by morbid sensibility, and have any desire to screen the wicked from the punishment due for crimes committed, or to prevent those effects being produced, society has a right to hope for, from the infliction of pain on our erring fellow-beings. I trust no such mistaken feeling guides me—but I must be permitted to say that, as an Englishman, I blush to find that in any portion of our Most Gracious Sovereign's dominions such cells as those I have only feebly described should be found; and that men, whatever may be the offences for which they are made to suffer, should be shut up for twenty-eight days in them without breathing, for one hour, the common air of Heaven.

The words of one of our national Poets seem to be applicable here—

“ Ah! little think the gay licentious proud,
 “ Whom pleasure, power, and affluence surround:
 * * * * *
 “ Ah! little think they, * * * * *
 “ How many pine in want, and dungeon gloom,
 “ Shut from the common air, and common use
 “ Of their own limbs”—

11. Should Mr. Dickens, or Mr. Sala, visit New South Wales, no doubt the dungeon cells of Cockatoo Island would not escape observation. When this beautiful portion of God's creation was the receptacle of convictism, such places might, from what we now hear regarding what was termed “ convict discipline,” be expected,—but after a cessation of transportation for more than twenty years, it appears to me to be a subject for deep humiliation, that such marks of degradation should be permitted to disgrace this most beautiful land.

12. Before concluding, allow me to say, that I have much gratification in adding, that nothing could exceed the courtesy I met with on the island—the readiness with which everything was shewn me—the cleanliness, order, and regularity of the system pursued. I was also invited to inspect the food, and found it to be good, and well prepared; but in stating this, I beg I may not be supposed to give any apparent sanction or opinion regarding the general system of convict discipline, as carried out on Cockatoo Island. I am not sufficiently acquainted with its details to form a correct opinion, and therefore would not presume to do so.

I have, &c.,
 + R. W. WILLSON,
 Catholic Bishop of Hobarton.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. JOHN DAVIS.

(MEMORANDUM OF GAOLER, DARLINGHURST—RELATIVE TO CASE OF.)

Ordered by the Legislative Assembly to be Printed, 22 December, 1863.

MEMORANDUM OF PRINCIPAL GAOLER, DARLINGHURST.

*Darlinghurst Gaol,
18 December, 1863.*

THERE was not any charge sheet laid before Dr. Douglass, in the case of Mr. Davis, late Schoolmaster, on the 22nd October last, nor at any other time.

Mr. Davis—at the time suspended from office—was directed to meet Dr. Douglass at the gaol, for the following reason:—

Forgeries had been committed on a prisoner (James Hutchinson), by means of which two sums of money had been obtained from his friends. Mr. Davis had acknowledged to having carried the forged letters out of the gaol, and brought back money, which he—contrary to the gaol rules—gave to prisoners without the knowledge of myself, or any other officer of the prison.

This had been brought under the notice of the Sheriff, who, being unable to attend himself by reason of sickness, requested Dr. Douglass, as Visiting Magistrate, to investigate the matter. This investigation took place on the 22nd October last, when the forgeries and all correspondence and papers connected therewith were laid before the Visiting Magistrate, a copy of whose report is annexed.

The papers have since been sent in to Government.

JNO. C. READ,
Principal Gaoler.

HENRY G. DOUGLASS, ESQ., to SHERIFF.

*Darlinghurst Gaol,
22 October, 1863.*

DEAR SIR,

I have investigated the matter of the forgeries, and the conduct of the Schoolmaster, as connected with them.

I think the Schoolmaster should be dismissed for the repeated infraction of the gaol rules. I doubt his felonious intent, and that any prosecution would lie against him.

I doubt your being able to obtain a conviction of forgery against Stewart.

Yours truly,
HENRY G. DOUGLASS.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE PETITION OF

THOMAS DUKE ALLEN;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
8 *December*, 1863.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1863.

[*Price*, 1s. 7d.]

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1863.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES No. 17. TUESDAY, 21 JULY, 1863.

14. 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, with the view of resuming the inquiry into, and reporting 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 the Evidence taken before, and the Progress Report made by, the Select Committee of last Session, be referred to such Committee.
- (3.) That such Committee consist of the following Members:— Mr. Cowper, Mr. W. Forster, Mr. Dangar, Mr. Sutherland, Mr. Lackey, Mr. Love, Mr. Morrice, Mr. Holroyd, Mr. Macpherson, and the Mover.
- Question put and passed.

VOTES No. 70. TUESDAY, 1 DECEMBER, 1863.

3. Petition of Thomas Duke Allen:—Mr. R. Forster, *with the concurrence of the House*, moved, without notice, That Mr. W. Forster and Mr. Holroyd be added to the Select Committee now sitting on this subject.
- Question put and passed.

VOTES No. 74. TUESDAY, 8 JULY, 1863.

6. Petition of Thomas Duke Allen:—Mr. R. Forster, as Chairman, brought up the Report from, and laid upon the Table, the Minutes of Proceedings of, and of Evidence taken before, the Select Committee appointed on the 21st July, 1863, with reference to this subject.
- Ordered to be printed.

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1863.

PETITION OF THOMAS DUKE ALLEN.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 21st July last, “with the view of resuming the inquiry into and reporting upon the allegations contained in the Petition of Thomas Duke Allen, late Gaoler at Parramatta,—with power to send for persons and papers,”—and to whom was referred, on the same day, “the Evidence taken before and the Progress Report made by the Select Committee of last Session,”—have agreed to the following Report:—

Your Committee have, during the present and last Sessions of Parliament, examined the witnesses named in the margin, and the documents given in evidence, copies whereof are appended to the evidence, and are of opinion that the offence imputed to Mr. Allen, “of having made a charge of three guineas for executing a writ of *Habeas Corpus*, granted on behalf of a prisoner in his custody,” is one which has been sanctioned by the practice of the Sheriff’s Department.

W. Teale, Esq., *Solicitor*.
 W. Elyard, Esq.
 T. D. Allen.
 T. Whiteside.
 G. Uhr, Esq.
 H. Hargrave.
 Dr. G. H. Pringle.
 Dr. R. Greenup.
 Jas. Green.
 H. Mather.
 Allan M’Innes.
 Thos. Barnes.
 W. Granlees.
 G. Langley, Esq.
 R. P. Abbott, Esq.
 D. G. Forbes, Esq.

It would appear, from the evidence of the Sheriff, that no definite instructions were ever given to the gaolers, as to what charge they should make for transporting prisoners from place to place under writs of *Habeas Corpus*. Under these circumstances, your Committee consider that Mr. Allen ought not to have been dismissed from his office of Gaoler, for this offence, without previous warning.

The Sheriff, in the course of his examination, stated, in effect, that he was influenced in a great measure, in the course he adopted towards Mr. Allen, by circumstances which had previously come to his knowledge, any one of which if satisfactorily proved would, in the opinion of your Committee, have justified the Sheriff in severely punishing Mr. Allen; but, after a careful inquiry into the whole of these charges, your Committee have come to the conclusion that they have not been substantiated.

Your Committee, therefore, on a review of the whole case, respectfully recommend that Mr. Allen be re-appointed to a position in the public service equal to that from which he was removed; and hearing that the situation of Gaoler at Parramatta is now vacant, believe that ample justice would be done by his being restored to that office.

ROBT. FORSTER,
 Chairman.

Legislative Assembly Chamber,
Sydney, 4 December, 1863.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 24 JULY, 1863.

MEMBERS PRESENT:—

Mr. R. Forster, | Mr. Dangar,
Mr. Morrice.

Mr. R. Forster called to the Chair.

Order of the House, appointing the Committee, by direction of the Chairman, read by the Clerk.

Committee deliberated as to their course of proceedings, and decided upon taking evidence at their next meeting.

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

WEDNESDAY, 29 JULY, 1863.

MEMBERS PRESENT:—

Mr. R. Forster in the Chair.

Mr. Morrice, | Mr. Cowper,
Mr. W. Forster, | Mr. Holroyd,
Mr. Lackey, | Mr. Dangar.

Mr. William Teale, *Solicitor*, examined.

Witness withdrew.

Henry Mather and Allan M'Innes, Turnkeys in Parramatta Gaol, severally called in and examined.

Committee deliberated.

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

WEDNESDAY, 5 AUGUST, 1863.

MEMBERS PRESENT:—

Mr. R. Forster in the Chair.

Mr. Morrice, | Mr. Macpherson,
Mr. Lackey, | Mr. Cowper.

Dr. R. Greenup, *Visiting Justice of the Parramatta Gaol*, examined.

Witness withdrew.

Mr. Thomas Barnes, *Clerk of H. M. Gaol, Parramatta*, called in and examined.

Certain books of the Gaol *produced*.

Witness withdrew.

Mr. William Granlees, *a Turnkey in Parramatta Gaol*, called in and examined.

Certain other books *produced*.

Witness withdrew.

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

WEDNESDAY, 12 AUGUST, 1863.

MEMBERS PRESENT:—

None.

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

WEDNESDAY, 19 AUGUST, 1863.

MEMBERS PRESENT:—

Mr. W. Forster, | Mr. Macpherson,
Mr. Morrice, | Mr. Dangar,
Mr. Sutherland.

Committee met pursuant to summons.

In the absence of the Chairman, Mr. W. Forster took the Chair.

Mr. T. Barnes, *Clerk of H. M. Gaol, Parramatta*, further examined.

Ration and letter books *produced*.

Copy of letter of Dr. Greenup to Colonial Secretary, respecting complaint of a prisoner (Hugh O'Donnell) against Mr. Allen, to be furnished by witness, and *appended*.

Imperfect copy of ditto *handed in*.

Letter

Letter from Warders to Sheriff, complaining of the leniency of the Visiting Justice towards prisoners brought before him for insubordination, to be also furnished and appended.

Witness withdrew.

Mr. George Langley, J.P., called in and examined.

Witness withdrew.

Mr. Robert Palmer Abbott, *Solicitor*, called in and examined.

Witness withdrew.

Reassembling of Committee to be arranged by Chairman.

[Adjourned.]

WEDNESDAY, 2 SEPTEMBER, 1863.

MEMBERS PRESENT :—

Mr. R. Forster in the Chair.

Mr. Dangar,

Mr. Sutherland,

Mr. Macpherson,

Mr. W. Forster,

Mr. Morrice.

Committee met pursuant to summons.

Letter from Mr. John Cooper to the Clerk of the House, excusing the attendance of Mr. Edward Hill (a witness summoned for this day), by reason of his absence from Sydney, read by Chairman.

Memorandum attached to the revised evidence of Clerk of the Gaol, Parramatta, respecting a letter read by him at the last meeting,—before the Committee.

Committee deliberated.

Resolved,—That Mr. Barnes, Clerk of H. M. Gaol, Parramatta, be requested to furnish a correct copy of the same.

Mr. D. Forbes called in and examined.

Witness withdrew.

Certain testimonials of character *handed in* by Mr. Allen through the Chairman.

Mr. Thomas Duke Allen examined.

Three certificates of payment for bringing prisoners from the gaols to Sydney on *habeas corpus*, and letter from the Visiting Justice, Mr. Darvall, *handed in*. (*Vide Appendix*.)

Reassembling of the Committee to be arranged by Chairman.

[Adjourned.]

THURSDAY, 3 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. R. Forster,

Mr. Macpherson.

[In the absence of a quorum, the meeting called for this day, lapsed.]

FRIDAY, 4 DECEMBER, 1863.

MEMBERS PRESENT :—

Mr. R. Forster in the Chair.

Mr. Lackey,

Mr. Macpherson,

Mr. Cowper,

Mr. Dangar.

Committee met pursuant to summons.

Chairman submitted Draft Report.

Draft Report read 1^o.

The same read 2^o, paragraph by paragraph.

Paragraph 1 read, amended, and agreed to.

Paragraph 2 read, amended, and agreed to.

Paragraph 3 read and agreed to, without amendment.

Paragraph 4 read, amended, and agreed to.

Motion made, and *Question*,—That the Report, as amended, be the Report of this Committee,—*agreed to*.

Chairman requested to report to the House.

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B. No. 2.

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1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE PETITION OF

THOMAS DUKE ALLEN.

WEDNESDAY, 29 JULY, 1863.

Present:—

MR. COWPER,
MR. W. FORSTER,
MR. DANGAR,MR. R. FORSTER,
MR. MORRICE,
MR. HOLROYD,

MR. LACKEY.

ROBERT MARINER FORSTER, ESQ., IN THE CHAIR.

William Teale, Esq., called in and examined:—

1. *By the Chairman*: You are senior member of the firm of Messrs. Teale & Garrett, solicitors? Yes.
2. We have summoned you here, with the view of ascertaining from you whether you ever paid any money to gaolers for bringing down prisoners to Sydney? Yes, I have done so.
3. Can you recollect the facts of the case? I can recollect that in the month of December, 1861, I issued a writ of *habeas corpus* against a man of the name of Edwards, confined in the gaol at East Maitland. I applied at the Sheriff's Office to know what was the custom in reference to the payment of the gaoler, and I was told that it was the custom to pay expenses in such cases. I accordingly paid Mr. Wallace, the Gaoler of Maitland Gaol, £5 for bringing this man, Edwards, down to Sydney.
4. Is that the only instance? I have known of other instances, but I cannot call them to mind now. In cases of this kind I have acted as the agent of legal gentlemen in the country; I have had two or three of them, but without referring to my papers I cannot call the particulars to mind.
5. But you have had other cases? Yes; I recollect distinctly the facts of this case, because I wrote a letter on the subject, at the request of Mr. Abbott, the solicitor—I think it was to the Government—on this very case in July, 1862, to which I received an answer on the 24th June, 1863.
6. Can you recollect who it was in the Sheriff's Office that informed you it was customary to pay these expenses? I cannot state positively; but my impression is that it was either the Sheriff or Mr. Phelan, the Under Sheriff; I am quite sure it would be one of the two. Perhaps I may state that in paying the money I considered it was only fair and reasonable that Mr. Wallace should have his expenses paid. At the first moment, when he said his expenses were £5, I thought them rather heavy; but when I considered that he would have £1 each way to pay for his own expenses by the steamer, and that he would have 12s. or 14s. to pay for the man's carriage down, that he would have to get from Maitland to the steamer—I am not quite sure whether the railway was open at that time—and that he would be three days

W. Teale,
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- away from home, I did not consider that he was charging anything exorbitant. Although the prisoner had not sixpence in the world to bless himself with, Mr. Wallace gave him 12s. out of his own allowance to take him back to the country. In moving in the matter as I did, and addressing the Colonial Secretary on the subject, it was with no view of finding fault with Mr. Wallace, but merely as a precedent to shew that in Mr. Allen's case he had not done anything but what was customary.
7. *By Mr. Lackey:* In that case did Mr. Wallace keep possession of the prisoner while he was in Sydney? Yes, until he was discharged under the *habeas corpus*.
8. Do you know how long that was? It was in Judge's Chambers. He sits on Tuesdays and Fridays. They would be down probably the evening before, so that it would most likely be on Monday evening or Thursday evening; I cannot state exactly the time.
9. *By the Chairman:* Do you recollect what the charge was against the man, Edwards? He was confined on one of the decisions of the Magistrates up the country, which are so frequently set aside on account of illegality. I cannot now distinctly recollect what was the precise charge, but I am pretty certain that it was a charge of wilful damage to sheep of which he had charge. I think he neglected some sheep, and left them to take care of themselves.

Mr. Henry Mather called in and examined:—

- Mr. Henry
Mather.
29 July, 1863.
10. *By the Chairman:* You are a turnkey in the Parramatta Gaol? Yes.
11. How long have you been turnkey of that gaol? Since the month of July, 1858.
12. Have you ever had any work done for you in the gaol? Yes.
13. Have you ever had any boots made in the gaol? Yes; I got some pairs of boots there—two or three pairs.
14. You got them made in the gaol? Yes.
15. Do you know by whose authority they were made? By the authority of the late Sheriff.
16. By the authority of the late Sheriff? Yes, Mr. Brennan.
17. Were they given to you free, or had you to pay for them? I had to pay for them.
18. Did you pay for them at the ordinary rate you would have paid in town for similar articles? I paid what they fetched at auction—what the remainder fetched at auction.
19. You were allowed to take a pair at the same rate? Yes.
20. Do you know of your own knowledge that they used to sell those boots by auction? Yes, I do. I have seen the auctioneer come in and take them down to the Court House.
21. To whom did you pay the money for those boots? I used to pay the clerk.
22. You paid the money to the clerk? Yes.
23. Where? In the gaol.
24. In the gaol office you mean? Yes.
25. Did you notice whether he made an entry of it in any book? Yes; he entered it in a book, and I used to get a receipt.
26. Have you got any of those receipts with you now? No.
27. Did you hear the Sheriff make this order that the turnkeys were at liberty to get boots? Yes, I remember all the officers going in and asking him for liberty, and he gave us permission to have boots made—to go into the office and leave our measure.
28. That was one day in the office? Yes.
29. Can you call to mind when that was—how long it is ago? It is three years ago—it might be more.
30. Do you know under what circumstances it was that this permission was granted? No; only we asked his permission.
31. Only that you asked the Sheriff's permission? Yes.
32. Previous to that used you to get boots? No.
33. You were prohibited from getting such articles before then? Yes.
34. By whom? By Mr. Allen.
35. And it was not until the Sheriff gave you permission, that you used to get these articles? No, not in my time.
36. *By Mr. W. Forster:* What advantage had you in getting boots in that way, instead of buying them in the usual manner? They were better to us than English boots.
37. Do you think you paid a higher price on that account, or did you get them cheaper? We got them cheaper—a little.
38. You got them rather cheaper? Yes.
39. Was the difference great do you think? No.
40. But you considered it an advantage, because the boots were better? Yes.
41. Did you get many pairs? I got three pairs.
42. And the others got them in the same way? Yes.
43. Did they think them better? Yes, better than English boots.
44. Better leather and better sewing? Yes.
45. To whom did you pay the money? To Mr. Dobbin; he was clerk then.
46. And did the others pay the money in the same way? Yes.
47. You paid it into his hands? Yes.
48. Was Mr. Uhr cognizant that you paid this money to Mr. Dobbin? I do not know.
49. Who told you to do so? That was the order.
50. Who gave the order? Mr. Brennan.
51. Was Mr. Brennan Sheriff when you got permission to get those boots made? Yes, he was.
52. Was the same practice continued under Mr. Uhr? I do not remember.

53. Had you any reason to believe that there was anything underhand in connection with this matter? Oh no! not a bit. Mr. Henry Mather.
54. I suppose it was known to every one in the gaol? Oh yes; it was known to every one. 29 July, 1863.
55. Did you get any other things in this way as well as boots? No.
56. Did you know of any one else getting boots in this way? Yes.
57. Were boots the only things disposed of to the officers of the gaol? Yes, as far as I know.
58. Did the prisoners get any boots made in the gaol? No, except with the order of the Sheriff.
59. How long were you turnkey in the Parramatta Gaol? I have been turnkey there for five years.
60. And you still are in the same situation? Yes.
61. Have you been promoted at all? No.
62. Have you had your pay raised at all? No.
63. You have been under Mr. Brennan and Mr. Uhr both, I suppose? Yes.
64. Would you say that the management of the gaol has gone on as well under Mr. Uhr as under Mr. Brennan? Yes, at present; I think the prisoners get more indulgence.
65. Do you think they get more than they ought to get? I think they do.
66. They are too much indulged you think? I think they are.
67. How did Mr. Allen's management impress you—did you think that he managed better? He managed very well.
68. He was not so indulgent? He had something more to contend with.
69. What do you mean? They are rather quieter now.
70. Who? The prisoners.
71. Oh, then in Mr. Allen's time they were more difficult to manage? Yes, because they were more punished and more kept down. They had no tobacco then, but they have tobacco now.
72. Did Mr. Allen see that the sentences of the prisoners were strictly carried out? Yes.
73. Did he do more than he ought to have done in what you call being severe with them? I do not think he did.
74. He did his duty then? Yes, I think so.
75. Do you think that during all the time you were under Mr. Allen he was a good officer? Yes, I think he was.
76. You saw nothing to complain of in his management? No.
77. But you say you are inclined to think that the indulgence of the prisoners is excessive at the present time? I think they are getting plenty of indulgence.
78. What sort of indulgence are they getting? They are getting tea and sugar. They get more tea and sugar now than they used to get; and they get tobacco which they used not to get before.
79. Is this given indiscriminately to all prisoners in the gaol? Yes.*
80. It is given without any sort of discrimination? According to the way the overseer recommends them.
81. Oh, it is done on the recommendation of the overseer? Yes.
82. But do all the prisoners get tobacco and tea and sugar indiscriminately? Yes;† the hard-labour men get more. The confines get none.
83. Is it a general gaol regulation that every prisoner should get tea and sugar and tobacco? I think so.‡
84. Surely you must be a judge of whether they all get it—are there any of them kept without it? Yes, in the Parramatta gaol—the confines.
85. Do they not get any? No.
86. All the others get tea and sugar and tobacco? Yes.
87. Do you know whether that tea and sugar and tobacco is given them out of the proceeds of their labour in any way—is it given to them as a sort of encouragement? I think it is given as an indulgence.
88. If they all get it how can it be an indulgence? The confines do not get it.
89. All get it but the confines? Yes.
90. The moment a man gets out of strict confinement he gets tea and sugar and tobacco? The confines never get it except they volunteer to work, and then they get hard-labour rations.
91. If a man volunteers to work he gets hard-labour rations? Yes.
92. In Mr. Allen's time were tea and sugar and tobacco given? Tea and sugar were given, but not tobacco.
93. Then the giving of tobacco is an alteration in the regulations since Mr. Allen left? Yes.
94. What was the origin of that—was it from orders given by Mr. Uhr, do you know? I think it was.
95. If they get tobacco are they allowed a particular time to smoke? Yes.
96. What time do they smoke? They are supposed to smoke only three times a day.
97. They are supposed only to smoke three times a day, but how many times do they smoke? They go out in the morning at 6 o'clock.
98. They go out at 6; and about how long are they allowed to smoke? A quarter of an hour or ten minutes.
99. And at what other times of the day do they smoke? After dinner, at 2 o'clock; three times a day they are allowed to smoke.
100. And they get a quarter of an hour each time? They might get a quarter of an hour or ten minutes.

* Revised:—No.

† Revised:—No.

‡ Revised:—I think not.

- Mr. Henry Mather. 101. Where do they smoke? In the hard-labour yard.
 102. In the open air; but if it is a wet day? They stop in the yard wet or dry; there is a shed there.
- 29 July, 1863. 103. Is there any supervision exercised over them while they are smoking, in order to prevent accidents? It seems that there is the same that is exercised all the rest of the time.
 104. Where do they get the fire to light their pipes? They have got tinder.
 105. Is that supplied to them by the Government, or how do they get it? They make it.
 106. Where do they get matches? They get a light at the cookhouse sometimes and light a piece of rag, and that lights the pipes all round about.
 107. And this is done with the knowledge of the gaol authorities—there is nothing underhand about it at all? No.
 108. You consider the prisoners to be better behaved since they got this indulgence? I do.
 109. On the whole, the gaol is a more comfortable place now than it used to be? Yes, I think so.
 110. Do you think it has the same terrors as a place of punishment that it had formerly? There are not near so many punishments in the gaol now.
 111. But do you think people are more afraid of going to gaol than they were? I do not think they are.
 112. But I suppose it gives the turnkeys and gaolers less trouble? It does.
 113. You find yourself that you have less trouble? I have not half as much trouble.
 114. I suppose if you were to give them champagne and two or three courses at dinner they would be still better behaved? They would only run us out of the yard then.
 115. Do they get any drink at all in the gaol? They get only tea—nothing stronger than tea.
 116. Are you sure that they never get grog, or intoxicating liquors of any kind? I knew it done once.
 117. In that case it was obtained surreptitiously—underhand? The doctor can give it.
 118. Yes, but I suppose that sometimes, with all your vigilance, you cannot prevent them getting spirits? I only knew of one case of it.
 119. *By Mr. Cowper*: You only know of one instance? I only know of one.
 120. *By Mr. W. Forster*: Did many get it? No, only one man.
 121. And is this system of indulgence applied to all persons indiscriminately, except the confines? Yes.
 122. Do you think the accommodation in the gaol could be improved? I think it possible.
 123. I suppose you mix people of all sentences together—you cannot help it? We mix all together. It is sad it should be so.
 124. What is done with the refuse of the prisoners' food? There are two free men who take it out.
 125. Two free men? Yes.
 126. Where do they take it to, do you know? They take it to their own place.
 127. Do they buy it? I believe they do.
 128. They contract for it? I believe they contract for it.
 129. That money goes to the Government I suppose, or is it a perquisite? I heard that it went to the hospital.
 130. Are you aware whether the present gaoler, or Mr. Allen, has been allowed to dispose of this refuse? No.
 131. Then it has always been taken away by free men as you describe? No, not until Mr. Green came.
 132. What was done with it before Mr. Green's time? It used to be wheeled outside the gate.
 133. They used to wheel it out? Yes.
 134. What became of it then? The pigs, and one thing or another, used to eat it.
 135. Whose pigs? I often saw Mr. Allen's pigs.
 136. Oh, had Mr. Allen pigs? Yes.
 137. How many did he keep? I think he kept ten or twenty.
 138. And where were they kept at night? In stockyards or styces.
 139. Outside? Yes.
 140. And was the refuse thrown to them in the stockyard, or were they let out? They were at liberty to get out.
 141. Do you think twenty pigs were fed on this refuse continually? I do not consider that they were.
 142. Had Mr. Allen any fowls? Yes, he had some fowls.
 143. Did they feed on the refuse too? Yes, sometimes.
 144. Had Mr. Allen a large number of fowls? I have seen as many as thirty fowls; there might be more.
 145. What else where these pigs and fowls fed upon? I often saw them get pumpkins.
 146. Where did the pumpkins come from? From Mr. Allen's.
 147. They were his own? I think so.
 148. You do not think that the refuse from the gaol was the sole maintenance of those pigs and fowls? No, I think not. I often saw them get pumpkins and barley, and they do not grow in the gaol.
 149. Have you any reason to believe that Mr. Uhr had any ill-feeling against Mr. Allen? I cannot say.
 150. Did you ever hear Mr. Uhr express himself in such a way as to induce you to think that he had any ill-feeling in reference to Mr. Allen? No.

151. *By the Chairman*: Do you know whether this refuse used to be thrown down a sink in the yard, until it was ordered by the Sheriff to be thrown somewhere else? I heard that it was ordered by the Sheriff to be thrown somewhere else. Mr. Henry Mather.
152. But did you know that it used to be thrown down there? Yes, I have seen it thrown there. 23 July, 1863.
153. *By Mr. Holroyd*: I think I understood you to say just now, that the men smoked after dinner? Yes; they have an hour.
154. For dinner? Yes.
155. And they smoke after they have had their dinner? Yes.
156. What is the first time they begin to smoke in the morning? After coming out.
157. Do they ever smoke before 11? Yes, when they come out.
158. That is at 6 o'clock, I suppose? Yes.
159. That is the first time they smoke? Yes.
160. And the second time is at 11? They knock off work and get tea.
161. About 11? Yes.
162. And they are allowed an hour for dinner, and they can smoke then? Yes.
163. Then are they allowed to smoke again in the evening? Not until their work is over.
164. But when work is over do they smoke? They can smoke then. They may smoke as many times as they like after work.
165. Then they smoke four times a day? No; only three.*
166. They smoke in the morning, they have tea and a smoke at 11, they smoke during the dinner-hour, and they smoke when their work is over in the evening? Yes, when they are by themselves they do this, but there is no allowance for it.
167. They are not allowed to smoke in the evening, except in their cells at night? They are not allowed to smoke there, but they do smoke plenty.
168. Where do they get lights or matches for the purpose of lighting their pipes when they smoke in their cells? Oh, they manage to pick up a match here and there.
169. But I never manage to pick up a match here and there. Where do they find them? They get them from the free men perhaps.
170. Do you see them? If I saw them I would not allow it. They are working with free men. The free masons can give them matches if they like.
171. They can give them matches? Yes, or they can make tinder and bring it to them, and they can knock a light out of a stone and a bit of steel for their pipe.
172. But they do not have stones and steel in their cells, do they? They might plant it.
173. Are they ever searched in their cells? They are; if we see a light we go and search.
174. And have you ever found matches on them? Yes.
175. Did you ever smell smoke in the cells as you have been going past? Yes, sometimes.
176. What did you do then—did you put the men in confinement? No.
177. Are they punished for smoking in their cells? No.†
178. Then in fact a man, if he were so inclined, might smoke on and off during the night? Oh yes, he can smoke, but still he is not allowed.
179. Is there a man of the name of M'Callaghan there now? Not to my knowledge.
180. He is not under you? There might be a man of that name there.
181. The man who was in chains on one or two occasions? He is not there now.
182. Is he discharged? He has been discharged.
183. Do many of the prisoners attend the schools? Yes.
184. Those who are suffering sentences? Yes.
185. What proportion of those suffering sentences attend the schools? About twenty.
186. Twenty out of how many? How many are there undergoing sentences there? About 150.
187. And only twenty of them attend the schools? No, not of the hard-labour men.
188. I am speaking of the hard-labour men undergoing long sentences? There are about twenty hard-labour men, and there might be about ten confines.
189. How long during the day are they attending? From 11 until 4.
190. From 11 until 4? Yes.
191. And during that time they attend school they are away from their hard labour? Yes.
192. Is that every day? No, they only go half a day.
193. From 11 till 4? Yes, but the same men do not go the whole time. Those that go in the morning do not go in the afternoon.
194. Do they go every day, either in the morning or in the afternoon? Twenty out of the 150 go every day, one day with another.
195. Has the school made them more tractable do you think? I do not think it has.
196. But the tobacco and other indulgences have made them more tractable? Yes, the tobacco especially.
197. Have you heard any complaints from the prisoners about the quality of the tobacco? Yes, I heard some complaints once.
198. How long ago—since Christmas? Yes, it might be since Christmas.
199. What was the complaint—that the tobacco was not Foreign—that it was Colonial? Yes, they said it was Colonial tobacco.
200. Do you recollect the name of the prisoner who made the complaint? Oh, there were twenty of them.
201. Twenty of them made the complaint? Yes.
202. What was done when they made the complaint about this Colonial tobacco? There was a board held on it.
203. Do you recollect who the board were? Yes, I remember a man of the name of Barker.
- 204.

* Revised:—By permission.

† Revised:—Yes.

- Mr. Henry Mather. 204. What did the board decide? They passed it as good.
 205. And did the prisoners continue to smoke it? Yes.
 206. It was not returned to the contractor? No, not this time.
 29 July, 1863. 207. Had it been returned to the contractor before? I did see it returned once.
 208. Did you smoke any of this tobacco to test it? No.
 209. You cannot say whether it was Colonial or Foreign? No, we had nothing to do with it.
 210. Did it create great dissatisfaction among the prisoners—this tobacco not being what they thought good? They grumbled a good deal.
 211. Did it almost create a rebellion? Well they said the Government paid for good tobacco, and that they might as well have it as the contractor.
 212. But did it not almost cause a rebellion amongst the men—the way in which they were done by the tobacco contractor? No.
 213. It did however cause a great deal of grumbling? Yes, they grumbled a good deal.
 214. It amounted to great dissatisfaction? Yes, when it was bad.
 215. Have you heard more than one complaint about the tobacco? I have heard the men complain amongst themselves occasionally.
 216. Have they ever made any formal complaint to you, or to Mr. Green? It has nothing to do with the turnkeys—any complaint goes to the gaoler.
 217. You cannot say, from your own knowledge, whether the tobacco was Foreign or Colonial? No.
 218. *By Mr. Cowper*: What is the quantity of tobacco given to each prisoner, per week? I do not know.
 219. Is it sufficient to enable a man to smoke three or four times a day? I think it is.
 220. Supposing these men are found smoking in the cells at night, is it not considered a breach of discipline? It is to be found with a light in a cell.
 221. You say that the number of persons in the gaol now is very much smaller than before? There are not so many prisoners there now as there were when I went there first.
 222. How many are there now? About 150.
 223. Not 250—150? Yes, that is, male prisoners.
 224. And what is the number of women? There are about thirty-two or thirty-three woman there now.
 225. And is there accommodation for more in the prison? There is.
 226. What number would the gaol accommodate properly? I remember that there were between sixty and seventy women there at one time.
 227. And how many men? There were 200 men there in my time.
 228. Did you consider the gaol crowded then? It was rather crowded.
 229. Do you think the prisoners value the school—do they appreciate it? They do not care much about it I think.
 230. *By Mr. Holroyd*: They do not care much about the school? Not here; where they are classified they do.
 231. *By Mr. Cowper*: Is there in the gaol means for any better classification than now exists; could they be better classified as the yards now are? No, not at present.
 232. What are the prisoners chiefly employed in? In cutting stone, and making boots, and carpentering, and quarrying.
 233. Are they preparing stone for the extension of the wall? Yes.
 234. They are? Yes.
 235. Has any of the wall been set yet? It is nearly finished.
 236. The wall is nearly finished, is it? Yes.
 237. And will that give better means of classification? Yes, it will, if it is carried out by the authorities; it will make more room.
 238. Has this wall been erected chiefly by the labour of the men? Yes.
 239. In what respect do you consider the discipline under Mr. Green milder than that under Mr. Allen—are there any particular points in which Mr. Green is more lax than Mr. Allen? The prisoners have not had so much occasion to complain since this tobacco has been given. In Mr. Allen's time if they were found with a pipe or a bit of tinder or steel they were punished, but now they are at liberty to do so.
 240. *By the Chairman*: Are they at liberty to carry about tinder and steel? They have liberty to carry about their pipe and tobacco, which in Mr. Allen's time they had not. If such an article were found upon them in Mr. Allen's time they were brought before the Magistrate and punished.
 241. *By Mr. Cowper*: You do not know any particulars with regard to the disposal of the hominy now—how these two free men come to take it away? No, I see them come there and take it out; I was told that they paid so much a month for it.
 242. Previously it was thrown away? Yes.
 243. Or used by Mr. Allen's pigs? It was eaten by Mr. Allen's pigs.
 244. Did you say it was eaten by Mr. Allen's pigs alone? It was thrown outside and Mr. Allen's pigs used to eat it, and other pigs too.
 245. *By Mr. Holroyd*: It was thrown out by the Sheriff's order? I did not hear him give the order.
 246. *By Mr. Cowper*: You distinctly say that it was not eaten exclusively by Mr. Allen's pigs—it was thrown outside the gaol, but not on Mr. Allen's premises? It was on Mr. Allen's premises.
 247. He lives near? Yes, he has property there.
 248. And the hominy was thrown into his yard? Yes.
 249. How could other pigs get at it in his yard? I have seen other pigs there.

250. In his yard? Yes, they would break in through the gate or the like.
251. Then they were trespassers? Yes.
252. It was taken to Mr. Allen's premises? Yes.
253. *By the Chairman*: With reference to this steel and tinder you say the men were allowed to carry about—are they allowed to take tinder and steel with them into their cells so as to be able to light their pipes? They are allowed to take their pipes and tobacco with them. They can have a bit of tinder planted unknown to the officers of the gaol.
254. Did I understand you to say a while ago that you have noticed smoking at night in the cells? When we see a light —
255. I am not speaking about lights—have you smelt the fumes of tobacco? I have smelt tobacco several times in the morning on letting them out, but we could not tell what cell it was in.
256. You recollect a horse that was in the gaol in Mr. Allen's time—a government horse? Yes, I remember a horse.
257. The horse died there, did he not? Yes, he died.
258. Can you recollect whether that arose from any ill-treatment by Mr. Allen, or from any other cause? No, I do not think it came from ill-treatment.
259. Was the horse a sound horse, or an old horse, or what? He was an old horse, and he had some disease of the head that he died of. I saw him opened.
260. Do you ever hear the prisoners attempt to abuse any of the officers in the establishment now? Yes.
261. You do—have you often heard them do so? No, it is very seldom now.
262. Do they get punished for that? Yes.
263. In what way? By the Magistrates. They are locked up for seven days, or forty-eight hours, or what the Magistrates like to give them.
264. *By Mr. Dangar*: Are you aware who that horse was purchased from? No.
265. Have you heard that the late Sheriff, Mr. Brennan, supplied the horse to the Government? I heard that the horse belonged to the Colonial Architect. That is all I can tell.
266. That he was purchased of Mr. Brennan? I do not know who he was purchased from.

Mr. Henry
Mather.

29 July, 1863.

Mr. Allan M'Innes called in and examined:—

267. *By the Chairman*: You are a turnkey of the Parramatta Gaol? Yes.
268. How long have you been a turnkey there? I am going on for seventeen years there now.
269. In the Parramatta Gaol? In the Parramatta Gaol.
270. Do you know what was done in Mr. Allen's time with the refuse hominy of the gaol? In Mr. Darvall's time, when he was Police Magistrate, he gave orders to throw it down the shaft. Then Mr. Brennan—I think it was in 1858 or 1859—when he went round to the back there was a great stench there. It was a hot day, and he was asking what was the cause of the stench when he came to the place where the hominy was put, and he gave orders to Mr. Allen that day to wheel it out to his yard. I was on duty that day, and was standing by at the time.
271. He gave him orders to wheel it out to his yard? Yes; Mr. Holroyd was there one day, and saw me at the back. It was about twenty yards from the place where Mr. Holroyd came up to me.
272. *By Mr. Holroyd*: Where the stench was? Yes, where they used to throw the hominy down.
273. *By the Chairman*: Mr. Darvall was Visiting Justice of the gaol as well as Police Magistrate? Yes.
274. Did you get any boots or other articles made in the gaol? Oh yes, we had boots made.
275. The boots that were made in the gaol? Yes.
276. What price had you used to pay for them? We used to pay whatever price they would fetch at auction.
277. Whatever the others fetched at the auction, you paid the same rate? Yes; sometimes they would fetch a high price, and at others they would not fetch so much.
278. Do you know who it was gave the authority that you should have boots made in the gaol? They were stopped at one time. But Mr. Brennan was up there one day—I think it was the end of 1860, or the beginning of 1861—and a good many of the turnkeys went up to him and spoke to him about it. We asked him if he would allow us to get the boots the same as we used to do, and he gave the order that day. He told us we could go to the office and fit ourselves when the boots were put in there.
279. To whom did you pay the price of the boots you bought? To the clerk in the gaol.
280. Did you get a receipt from him for the amount? Oh yes.
281. Did you observe whether he made an entry of it in the books? Oh, I cannot say about that. I used to get them in 1855, when I went there. We used to get them made then, and find the stuff ourselves. It continued in that way for sometime, and then they stopped it. In the latter end of 1860, or the beginning of 1861, Mr. Brennan was up there, and a good many of the turnkeys went up to him, and he gave us leave that day to get the boots when they were sent to the office. He said we could go and fit ourselves.
282. Do you know whether the present gaoler keeps a horse or a cow in the gaol? No.
283. Does he not keep a horse or a cow? He keeps neither a horse nor a cow. There is a Government horse.
284. Has he ever kept a horse or a cow of his own since he has been there? I have never seen either a horse or a cow belonging to him.
- 285.

Mr. Allan
M'Innes.

29 July, 1863.

- Mr. Allan
M'Innes.
29 July, 1863.
285. Is there any difference in the management of the gaol now to what there used to be in Mr. Allen's time? There is a great deal more indulgence now.
286. You mean as regards the prisoners? Yes.
287. In what way are they indulged? They have tobacco, and smoke away as long as they like, if not at work.
288. Used they to be employed at work in Mr. Allen's time in building and other things? Yes.
289. Do you know whether they do as much work now as they used to do then? I am sure they do not. In part of Mr. Allen's time they were getting one-third of their earnings, and they worked then more than ever. I saw them work in the gaol—that was in 1855 and 1856.
290. Are they better behaved now than they were then, or worse? They are behaving themselves middling, just. They are not so strict in punishing them as they used to be in Mr. Allen's time.
291. Do you know whether they are allowed to have tinder-boxes and steels to strike lights for themselves? Oh! yes; I have seen them with them.
292. Are they allowed to take those things into the cells with them, at night? I cannot say.
293. Do they search the prisoners at night, on going into their cells? Yes, they are searched when they go out of the yard.
294. Did you ever see any steels and tinder-boxes taken away from them? They are taken from them if they find any on them going in, but they have them in the yards.
295. Do you know whether they smoke at night, in the cells? I believe they do. Of course I cannot say whether they do or not, but I believe they do so.
296. Do you recollect an old Government horse that was in the gaol, in Mr. Allen's time? Yes.
297. Do you know what was the cause of that horse dying—was it from ill-usage, or sickness, or was he starved? The horse took sickness, and died through it.
298. Was it an old horse or a young horse? It was an old horse.
299. Was he sound, or was he a cripple? He was not sound the first day he went there.
300. Do you know where he came from? He came from Sydney, I think.
301. Do you know from whom he was bought? I heard them say that he was bought from the late Sheriff, but I know nothing about that, except from hearsay.
302. He died from sickness? Yes.
303. And he was not starved? Oh! no; there was no starving. When the horse took sick he fell off in no time.
304. *By Mr. Holroyd:* How often are the men allowed to smoke. I think I understood you to say that they were smoking almost all the day long? There is an order put up, that they are allowed to smoke after meal times, and they are allowed to take a smoke about 11 o'clock, if not at work.
305. Are they allowed to smoke after dinner? Oh! yes; they are in the wing, doing no work then.
306. And do they smoke at all while they are at work? They are not allowed.
307. But do they? If they get a chance I suppose they do take a smoke, but we do not see them.
308. Have you had any complaints made to you, or have you heard of any complaints being made, about the quality of the tobacco, at any time? Oh! yes; we have plenty of grumbling about the tobacco.
309. By the prisoners? Yes.
310. What was the cause? They said that it was not of good quality.
311. Did they still go on and smoke it, or did they make any complaint to the gaoler? I know of tobacco being sent back, and the gaoler would not receive it.
312. Have you known that more than once? I think I have known it twice to the best of my recollection.
313. If these men are smoking after every meal, what quantity of tobacco does each prisoner consume on an average? I cannot say; they are allowed two figs of tobacco a week.
314. They have two figs per week? Yes, if they do certain work.
315. Can any man draw tobacco whether he smokes or not? Oh! yes.
316. If he does a certain quantity of work he can draw tobacco whether he smokes or not? Yes.
317. If they draw tobacco and do not smoke themselves I suppose they can give it to other prisoners who do? I cannot say.
318. So that instead of one prisoner getting two figs he may get four? I cannot say; they are not allowed to get tobacco until they are twenty-one years of age.
319. But those above twenty-one—if a man does not smoke he can draw tobacco and give it to another prisoner? He can do what he likes with it.
320. How do they get lights for their pipes? There is some fire at the back, and they get a light through the railings generally.
321. Does the gaol provide them with pipes also? Oh! yes.
322. And when they cannot get to the fires do you know whether they provide them with matches? I do not know whether they get matches that way; I cannot say anything about that.
323. Since the introduction of tobacco as an indulgence into the Parramatta Gaol, do you think the prisoners fear the gaol as much as they did before? Well, they are not nearly so much punished there.

324. You know that a gaol should be a terror to prisoners—do you think the Parramatta Gaol is a terror to prisoners now? It is not so much as it used to be.
325. Not so much as it used to be? No; not so far as I can see.
326. Do you know if the women are allowed tobacco? I do not know that they are.
327. Have you ever known intoxicating liquor to be brought into the gaol to the prisoners? I never knew it.
328. You never heard of such a thing? No.
329. You have never known spirits introduced? I never knew it.
330. Did you ever see any of the prisoners under the influence of drink in the gaol? Well I never saw them.
331. Not on any one occasion? No; I have seen them get a glass of spirits by the doctor's orders.
332. I am not speaking of it as used medicinally, but as a luxury—an indulgence? I never saw it.
333. The smoking takes up a great deal of the time that would be devoted to hard labour, does it not? They are not allowed to smoke during the time they are working.
334. They are only allowed to smoke during the time appropriated to their meals? Yes.
335. Have you ever found on going into a cell in the morning that there had been smoking there the night before? Yes.
336. Did you report that circumstance to the gaoler? I believe I did.
337. And was the man punished? Yes, in Mr. Allen's time.
338. In Mr. Allen's time he would be punished? Yes.
339. Would he be punished in Mr. Green's time? Not now, since tobacco is allowed.
340. When you say the prisoners are searched before they go into their cells at night, do you mean to say that there is a complete search—that they turn out their pockets, and open their jumpers? They are searched as close as we can search them coming out of the yards.
341. They might take things in with them? We do not open their clothes.
342. How do you search them? We search in their pockets.
343. But they manage to conceal matches? They can conceal small things that way, but they could not have a box of matches or anything of that kind.
344. Are they searched for their pipes and tobacco? No, they are not.
345. They are allowed to take them into their cells? They are not taken from them at any time.
346. Do you not think that would be an effective way of preventing smoking in the cells—to take the pipes and tobacco away from them? Of course they attempt that.
347. What number of persons are in a cell together? Three.
348. There are three in a cell? It is according to the size of the cell.
349. One, or three according to the size of the cell? Yes, it is according to the size of the cell.
350. What time are they locked up of an evening? The bell rings at half-past 4.
351. And they are locked up about 5? They would be locked up before 5, a little.
352. And what time are they let out again? They are let out about half-past 6 now.
353. When there are three put together in a cell, are they classified, or are they put indiscriminately together? There is no way of classifying them in that way.
354. Then one may be in for murder, or an attempt to murder, and another may be put with him who has been sent to gaol for a simple larceny? Yes; there is no way of classifying them in that way.
355. *By Mr. Cowper:* But the Sheriff or the turnkey can arrange that by a little care—if they chose, they can put together three men who have been guilty of serious crimes in one cell, and three who have committed smaller offences in another? Yes, but there is no place to keep them separate throughout the day.
356. That is another matter? Yes.
357. *By Mr. Holroyd:* When three persons are placed in one cell, are any complaints ever made to you by one of the three, in reference to his companions? I have heard complaints in that way.
358. Are they changed in that case? They would be changed at once.
359. When there is any disagreement going on? Yes.
360. *By the Chairman:* Did you have access to the hospital? Oh! yes, when it came to my turn to be on duty there.
361. Oh! you used to take your turn on duty in the hospital—how often would that be in the week? Every nineteen days.
362. But in Mr. Allen's time, how often? It was oftener then.
363. How many officers were there then? There were not so many officers then as there are now.
364. There were not so many in Mr. Allen's time? No.
365. How many fireplaces were there in the hospital—do you know? There were two fireplaces in each.
366. Do you know whether fires were kept up in both those fireplaces in the winter time? If both rooms of the hospital were occupied there would be a fire in each of them.
367. The rooms occupied—would they have both fires lighted? Yes, there would be a fire in each of the fireplaces.
368. Do you recollect how many officers were in the gaol during Mr. Allen's time? I think there were seventeen or eighteen in Mr. Allen's time—that is lately.
369. And how many are there there now? There are twenty officers now.
370. Are there more prisoners there now than there used to be in Mr. Allen's time? No; there are not so many.

Mr. Allan
M'Innes.
29 July, 1863.

Mr. Allan
M'Innes.
29 July, 1863.

371. Do you think the gaol is better conducted now than it was in Mr. Allen's time—do you think that better order is maintained? There is not so much punishment. In Mr. Allen's time there was a good deal of punishment about tobacco, but now they are allowed it as an indulgence. That took away a great part of the punishment in the gaol.
372. *By Mr. Holroyd:* Why is there such an increase of turnkeys now, as compared with the number of prisoners? There is so much work going on. There are several of the prisoners out on escort every day.
373. *By Mr. Morrice:* Do you think there is sufficient employment for all these men in the gaol? Oh yes, quite, in the way they are situated now. They have got the outside wall nearly finished. Whether there will be any more work outside or not, when that is done, I do not know.
374. *By Mr. Holroyd:* Are the prisoners engaged on that outside wall? Yes, some of them are clearing the stuff out of the yard.
375. *By the Chairman:* Have you any knowledge of the way in which the Government horse in the gaol used to be fed in Mr. Allen's time—did you ever see him fed? I did, often enough.
376. What used they to feed him on? Corn and bran; and when there was lucerne hay or oaten hay he had that.
377. Had he an abundance? He had fourteen pounds of hay, and so many pounds of straw, and I think three quarts of corn, and three or four quarts of bran.
378. Was the horse well taken care of? Yes; in Mr. Allen's time the corn and bran were kept in a little store in the hospital, and the horse's daily allowance was given out every day by the officer in charge.
379. Mr. Allen did not interfere in that all? He did not interfere. The food used to go in at the beginning of the month, and the principal turnkey would see it weighed; or if the principal turnkey was not there Mr. Allen himself would see it weighed.
380. Would he see it weighed out and taken to the horse? No, when the contractor would bring it in.
381. But as to the feeding of the horse, Mr. Allen did not interfere with that in any way? Not at all.
382. That was regularly supplied from the hospital? Yes, the corn and bran; the hay was kept near the stable where the horse was.
383. I suppose you have had opportunity of knowing whether Mr. Allen treated the prisoners harshly—did you ever know him to do anything harsh? He kept them in their own places.
384. Do you think it was necessary to do that? Yes; I think it was necessary to do it with some of them.
385. Do you think the men care more about being in Parramatta Gaol now than they did in Mr. Allen's time? They would rather be there now, because there is a great deal more indulgence.
386. Mr. Allen was not in the habit of indulging them? No.
387. *By Mr. Holroyd:* Has there been any punishment of prisoners since Mr. Green has been the gaoler? Yes.
388. There has been? Yes.
389. On what charges principally? For several causes.

WEDNESDAY, 5 AUGUST, 1863.

Present:—

MR. MORRICE,	|	MR. LACKEY,
MR. MACPHERSON,	|	MR. COWPER.

ROBERT HENRY MARINER FORSTER, ESQ., IN THE CHAIR.

Dr. Greenup called in and examined:—

Dr. Greenup.
5 Aug., 1863.

390. *By the Chairman:* Do you recollect the circumstance of a prisoner, who was sentenced to separate confinement, being allowed by the Sheriff to forward to him a report against Mr. Allen, without such report going through your hands? Some reports go through my hands, but no letters go from prisoners.
391. Ought all reports and matters of that kind, from prisoners, to go through the gaoler's hands? Yes; I think that is the custom in all gaols. I believe it is the practice in all gaols that the gaolers see the letters from prisoners to any one.
392. And that has been the practice whilst you were Visiting Justice to the Parramatta Gaol? It has.
393. Do you recollect any circumstance when there was a deviation from that rule? I do not know that there was any order from the Sheriff about the matter, and if there was it was a verbal order; but I believe that a prisoner was permitted to write direct to the Sheriff.
394. Was that document forwarded by the Sheriff to the Colonial Secretary, and subsequently transmitted to you for report upon it? It was.
395. Can you tax your memory so far as to say what were the contents of that document? I cannot speak exactly as to the contents of the document; but its general purport was the making of great complaints of Mr. Allen's management, and one or two things were specified in it of harshness on his part. Those are the accusations. I do not remember that any specific charge was brought against Mr. Allen's management, but there was a general charge of harshness.

396. Were you directed to make inquiries into the matters referred to in this document as *Dr. Greenup* to these general charges? The prisoner I think had then gone away. I am not quite certain, but I know I did make a reply, and the letter I sent is in the letter book. 5 Aug., 1863.

397. Can you say whether the report you made to the Government supported the statement of the prisoner in any way, or was it favourable to Mr. Allen? As to the general charges of cruelty I said I do not think there were any cases of that kind. Always when I was at the gaol I was in the habit of hearing any complaints the prisoners had to make. Full notice was given of my being ready to hear all who would come. If they complained to me in the yard I did not hear them then, but said, "Come into the office and speak to me there." For after seeing all who choose to come into the office, I go through the yards to see all. If any speak to me then I send them to the office.

398. You are still a Visiting Justice? I am.

399. Do you consider the establishment is as well managed now as when Mr. Allen had charge of it? That is a question difficult to answer; it is managed rather differently.

400. Is it easier to control the prisoners now than it was in Mr. Allen's time? I do not think they are kept in such strict discipline as they were.

401. In point of fact they have more indulgence now than they had in Mr. Allen's time? Yes. There has been a general change throughout the gaol. One of the most common offences I had formerly to punish was that of having tobacco surreptitiously. Now they are allowed to have tobacco.

402. That has arisen from representations made by yourself? Yes. I was desirous that that bone of contention between the officers and the prisoners should be done away with, as it placed officers, who wished to do their duty, in an unfair position, and exposed them to obloquy, for if an officer took notice that prisoners had tobacco they had a down on him, and if another officer passed it over he was in favour with the prisoners. I thought it unfair that officers who were disposed to do their duty should be submitted to the temptation of overlooking what was an offence. It is impossible to keep tobacco out of the gaol, and I thought it better to allow it to come in under certain conditions.

403. Then the allowance of this extra indulgence you think has the effect of making the men conduct themselves better than they did previously? Certainly. They are not punished now for what was an offence before. The use of tobacco is not now against the rules.

404. Do you think it advisable to adopt a course by which such indulgences are extended to prisoners in gaol? That is a point which I enlarged upon a few months ago. I think it improves the conduct of the prisoners, and takes a temptation out of the way of the warders, some of whom are suspected of bringing in tobacco. It is brought in and it could not get in except through them. Some warders may bring it in, and honest warders may have to work their hearts out to discover how the prisoners got it.

405. Do you visit the cells frequently when you attend at the gaol? I do so occasionally, especially if any one wants to see me there. When men were there for sometime I used generally to go up to see them.

406. *By Mr. Macpherson*: Are the prisoners at all classified in Parramatta Gaol? They are not classified as to character—as to work they are.

407. They are not classified as to offences? Not as to offences, further than this: that one yard is used as a confine yard; the others are hard-labour yards. There is a small yard called the confine yard.

408. *By the Chairman*: I see you stated in answer to a question (No. 1114), when you were examined on the 12th of December—"Yes, I certainly think it is necessary to be strict in that position (of gaoler). 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." Now, did you ever speak of any undue severity on the part of Mr. Allen? I think I have.

409. Can you say what it was in reference to? I do not say undue severity, but severity. You will find a reference to it in that prisoner's letter, which is in the letter book. When any of the prisoners were very abusive it was Mr. Allen's practice to gag them, and I do not think this was a thing that should be used by any gaoler, without reporting it immediately; and on one or two occasions I have spoken to Mr. Allen about it. I cannot say the prisoner made a direct complaint of it; but it came to my knowledge, and I strictly charged Mr. Allen that it never should be done without a special report; and I was so particular about it that I entered a notice of it in my own private memorandum book, which is kept at the gaol.

410. With that exception, there is no other case of severity? I speak generally of Mr. Allen's conduct. He was strict, some might think him very strict, just as another person who was lenient might be considered too lenient. It is very difficult always to hit the golden mean.

411. *By Mr. Lackey*: Do you recollect a prisoner of the name of M'Callaghan being in the prison? Yes, I do.

412. Do you recollect the offences for which he was visited with unusual punishment? I think one was for striking Mr. Allen himself. I think you will find that in my former evidence. I think one was an assault upon Mr. Allen, and the other an assault upon one of the turnkeys.

413. *By the Chairman*: Do you know whether Mr. Allen had a smaller force to enable him to carry out his duties as gaoler than the present gaoler has? I am not certain; there has been some increase I think, but I am not certain; the books will shew that.

414. If there were any instances of undue severity you would have made a record of it in some book in the gaol, would you not? Anything very serious I certainly should have recorded; but not the use of a sharp word, or anything of that sort. I was particularly careful

- Dr. Greenup. careful never to speak to the gaoler on any point of management, even if we differed, before the prisoners. I always waited until the prisoners and officers were gone, and then said it would be better to do so-and-so, whatever it may be. There were a great many alterations in Mr. Allen's time tending to increase the comfort of the prisoners; for instance, I may mention one introduced when I began to do the duties of my office: The prisoners had only one shirt each, which they had to take off on Saturdays to wash, and go without a shirt until it was dried; well I thought that was a little hard, and I directed that there should be an issue of a second shirt. Then they wanted to have a second clean shirt in the week; that I thought was a reasonable request, and, as the same work was executed, each prisoner was allowed to wash his shirt on the Wednesday and Saturday, instead of doing so only once a week. I think that tended to their health, and I recommended it; that is in the records of the gaol, I believe.
415. What I want to know is this: If you saw a prisoner treated harshly, or cruelly, would it not be your duty to make a record of the circumstance? Yes, I suppose it would; but I do not recollect any report to me of cruelty, except so far as M'Callaghan was concerned.
416. I understand you to say that his personal appearance did not indicate any cruelty of treatment? His arm was chafed, which, on inquiry, I was told was owing to his having tried to break the handcuffs by rubbing them on the ground. I do not think there was undue tightness of the handcuffs.
417. I think you said the handcuffs were worn to the thickness of a halfpenny? Yes; he had lain down on the ground to rub them through.
418. Do you know whether it is the custom to have fires in the hospital day and night, when patients are there? At the gaols?
419. At the gaols? That is in the ordering of the surgeon; but I should say it was the the case.
420. What was the practice when you were a visiting surgeon yourself? I am doubtful whether there was an hospital in my time. I am not quite certain; but that I could tell by reference to the books. I had an assistant, and he took the gaol for some time. I do not think I acted as surgeon while that hospital was there.

Mr. Thomas Barnes called in and examined:—

- Mr. Thomas Barnes. 421. *By the Chairman:* You are the clerk of the Gaol at Parramatta? I am.
- 5 Aug., 1863. 422. Can you produce the gaol letter book? No, I have not brought it with me; you did not write for that book. The books written for were the gaol ration-books and books shewing the moneys paid to contracts.
423. How far do the ration-books go to? The old ration-book goes to 1846; the other one to the present day.
424. Where did you get this book (*the old ration-book*) from? From the gaol.
425. Has it been there from the time you went there? Yes, ever since I was there.
426. How long have you been clerk of this gaol? Since the 14th of April of this year.
427. Are all matters in relation to rations, provisions, and things of that kind, entered in the book you produce? They are. I only speak as to the period during which I have held the office of clerk; they ought to have been entered in all preceding periods.
428. The wood supplied to the gaol, is that entered? Yes, through every period.
429. Can you refer back to the account of wood supplied for the month of September, 1858? Yes, I think so. There were 36,000 lbs. supplied for the month of September, 1858.
430. What does that represent—the actual quantity received? It would indicate the actual quantity received. I do not know what scale was then in use. The accounts of wood received were kept by Mr. Granlees at the gate.
431. Can you tell how much was supplied in October in the same year? There is nothing down for that month.
432. Nothing down—but surely there must have been wood supplied? I cannot say; it does not appear here.
433. Was there nothing in November? Nothing.
434. Anything in December? December is also blank. The soap and oil are calculated I see.
435. Do you know who was clerk in the gaol at that time? I cannot tell.
436. What is the scale of allowance for July? At present the scale is 1,800 lbs. daily, during winter, and 1,540 lbs. daily, during the summer months.
437. Does that include the supply required for the hospital? Yes, it is supposed to include that supplied to the hospital, but the scale is evidently made out in error, the amount required for winter months being no doubt underrated, though not for summer months. I am now about to make application for a proper supply for the winter months; 1,800 lbs. a day for the winter months is manifestly an error; we should have had nearer 3,000 lbs. a day.
438. It is calculated not as to the number of prisoners in gaol, but as to the number of fires? By the Government regulations it is calculated upon the average number of prisoners, allowing 6 lbs. for each. According to my opinion it should be calculated, not upon the average number of prisoners, but nearly upon the gross number the gaol will hold.
439. Then calculating it in that way, it would be nearer 3,000 lbs. than 1,800 lbs.? Yes. Darlinghurst Gaol is allowed 240 lbs. of coal per day, and 1 lb. of coal is equal to 3 lbs. of wood. In making out the scale last year, I think Mr. Green was led into error by the clerk. In the summer months 1,540 lbs. are required, and then there are no office fires, consequently we have only 260 lbs. more in the winter than in the summer.
- 440.

440. And that is not sufficient? It is not sufficient at present.
441. Then have you been obliged to get extra wood? We have been obliged to get a little extra, but we try to keep within the scale as near as possible.
442. Do you know whether the fires in the hospital are all kept lighted in winter? Yes.
443. How many? Three in the male hospitals, and one or more in the female hospital, according as there are patients there.
444. And has this scale of firewood for the gaol been fixed on for any length of time? Only from 1862 to 1863, I think.
445. Have you any idea what the scale was previous to that? Well I could give you an idea from the old ration accounts that I have, but I think previous to that it was lower than 1,800 lbs. per day.
446. You think the quantity allowed previous was less than that allowed in 1863? I think so, but I am not positive.
447. Could you send us the information? I could send you the information; in fact I could send you two of the general ration returns in which the scales are.
448. I understand you to say distinctly that the fires in the hospitals are kept lighted throughout the winter if there are patients there? Decidedly.
449. And that the wood for those fires has to come from this general quantity allowed for the gaol? Yes.
450. And that is found not to be sufficient? It is found not to be sufficient.
451. And if less were allowed previously there would then have been a necessity for a larger supply? Yes.
452. Do you know whether there is another book with entries of firewood supplied? The warder at the gate keeps the amount of each load that comes in, and we take it at a certain quantity, say 3,000 lbs. per load, and if it is thought to be up to that amount it is weighed, but there is generally found to be an excess of that amount.
453. Do you know whether there is any soap allowed for the hospital? There must be.
454. What I mean to say is, whether in the Government scale of allowance for the gaol there is anything in the shape of soap allowed? Yes.
455. Could you tell me what scale to refer to, or what regulations to refer to, to ascertain that? To the general ration scale for the gaol.
456. Do you speak in reference to the general ration scale, or to the scale for the hospital? To the general returns.
457. What are the winter months? May, June, July, and August.
458. Only four? It may be that September is included, but I do not know for certain.
459. What other books have you brought with you besides the ration-books? All the books in the office relating to amounts paid for contracts.
460. Do those books shew when extra firewood has been supplied to the gaol? No, it does not appear here; the book, as made up in 1859, does, I believe. I see there is no firewood calculated here for a long period.
461. There must be an account kept somewhere, surely? Yes. In July, 1860, I see there were 3,531 lbs. of firewood put down to Mr. Rutter's account; and in June, also to Mr. Rutter's account, 44,970 lbs. of firewood. In May there is no account.
462. Is there any account for June, 1859? In June, 1860, I think there is. I will look to June, 1859.
463. I wish to ascertain the amounts supplied between September, 1858, and March, 1860; and whether there was any extra firewood supplied? In September there were 36,000 lbs. of firewood, but it does not say there was any extra. In October, November, and December, there is nothing. In January I see nothing—in February nothing—in March nothing—in April nothing—in May nothing—in June nothing under the head of firewood—that is in 1859. In July I see nothing; there is no entry—in September no entry—in October no entry. In November, 1859, there is an entry of 28,028 lbs. of firewood.
464. It does not say extra, or what? Simply firewood. In December, 1859, I see there is an entry of 28,950 lbs. of firewood; in January, 1860, there is no entry. In February I see there is an entry of some kind. The figures are 245, but what it means I do not know; it is under the head of firewood.
465. It is evidently not intended for firewood? I think it is not intended for firewood. In March there is nothing.
466. Do you know of any other book in which entries of firewood can be found? There is no other book in which it should have been, that I know of; it is from this book that the general ration account and vouchers are made out.
467. Are the entries in that book made up at the end of the month, or daily, as supplies are furnished? This book should be kept up daily. When the requisition for supplies goes out it should be entered. It is kept up daily now.
468. At the end of the month you total the whole? On one page you write down the totals, from which the vouchers are made out.
469. *By Mr. Lackey*: Is it expected that the book should be so made out? My instructions are that the books are to be kept up daily.
470. I think you said the accounts of firewood were kept by Mr. Granlees at the gate? Yes.
471. Might not an error have occurred through his failing to have the entry copied from his book into that? This book is brought in every month, and we see the amount of wood received, and that is checked by the amounts of the accounts rendered; we see if they tally with each other, and if they do it would appear in the ration-book. We send a requisition for so much daily. The supplies of firewood are not now copied into this book daily; the principal warder keeps an account as well as Mr. Granlees.

Mr. Thomas
Barnes.

5 Aug., 1863.

- Mr. Thomas Barnes. 472. *By the Chairman*: When the vouchers are made out of payments to be made to contractors, are copies of them kept, or entries of them made in any book? The entry is made in the ration-book.
- 5 Aug., 1863. 473. Do you know whether there is any book to shew how they are kept? No, I do not know that there is any book to shew how they are kept. I can shew you the book specifying the sums paid to contractors.
474. That is the book I want to see? I mean for the month of July, 1860.
475. Have you not an earlier date? Yes, I think I have an earlier date? What period do you wish for?
476. From September, 1858, to March, 1860? Yes.
477. Now what are these entries? General disbursements of the gaol. These are the amounts of the cheques paid.
478. Do I understand that this shews the moneys that have been paid to different parties, whatever may have been supplied, for salaries and so on? That is what I take it to be. I can only say so from the contractors' names being there, together with the names of the officers under the gaoler.
479. But this does not give any reference to any other book that would shew what the amounts there mentioned are for? No, I believe there is no reference to any book to shew what the amounts are for. But here is a book that may throw a little more light on the subject. (*Book produced.*) I have not had time to go through these books, but this appears to have been better kept than the others.
480. What do you call this book you produce now? I do not know what to call it, but as it appears to contain the names of, and amounts paid to, many of the contractors at that period, I brought it down.
481. It seems to set forth the accounts of each party having claims against the gaol? Yes. This is the book that will shew how they are kept. (*Book produced.*) That is the ration account which is kept daily, shewing the rations under scale, from the totals of which the vouchers are made out. Had that book been kept the same as the other in 1858 and 1859, there would have been no trouble at all about the matter.
482. In what way are the articles required for the hospital accounted for—where do you now make your entries of them? Under a separate heading.
483. And Mr. Devlin is the contractor for all these articles mentioned under his name? Yes.
484. Does he furnish one voucher for everything? He furnishes no voucher whatever.
485. Who prepares the vouchers? I do, and send it to him for his signature, having compared it with the book.
486. That is the practice since you have been there? Yes; charcoal, lime, and firewood go under a separate voucher, and are not put with the other supplies.
487. Do you know whether extra wood was supplied for the hospital? No, never.
488. It all comes under the head of gaol wood? Yes. They have 96 lbs. per day for each fireplace. That is the scale.
489. Do you know whether, since your appointment to the gaol at Parramatta, the officers of the gaol there made any representation to the Sheriff that they required further protection, or anything of that kind? Well I believe they have, but I did not read the letter; it was delivered over to Mr. Green. There was a document from them. They did not consider the prisoners sufficiently punished by Dr. Greenup. The document, I believe, related to one prisoner in particular—a man named Martin, who struck a turnkey. He received seven days in the cells, and as he received it only on one charge whilst there was another against him, they did not consider the punishment sufficient. Subsequently, I believe, he was tried again on a second charge, and received fourteen days in the cells.
490. Was that subsequent to this representation being made? No, it was preceding that representation. The representation was made the next day.
491. *By Mr. Lackey*: To whom was the application sent? To the Sheriff.
492. *By the Chairman*: Can you tell me about the date of that? Yes.
493. Was it in writing? Yes, I have it among the Sheriff's papers. He made a memorandum on the back, and returned it.
494. Can you produce that document to the Committee? I can do so, by order of the Sheriff.
495. Has it come under your notice, or have you seen, in looking through the papers in the gaol, any letter from Dr. Greenup to the Government, reporting upon a representation made against Mr. Allen, by a prisoner in the gaol, previous to Mr. Allen's removal? I cannot say that I have.
496. Not in the letter-book? I have not read the letter-book up.
497. Have you opportunities of observing the conduct of prisoners in the gaol? Yes.
498. From your personal observation, do you think there is that proper degree of strictness exercised over them that there ought to be? Yes, I do.
499. Have you heard the turnkeys complain of the difficulty they have to contend with? I believe their complaints are more imaginary than real. We had some troublesome characters from Darlinghurst—long sentence men—and the only difficulty was in consequence of these men. One of them, without any provocation, struck a turnkey, and after that they wanted more protection; but whether they require more protection than the gaol at present affords I cannot say.
500. Do you know how many turnkeys there are altogether? Twenty-two, I believe—twenty-one or twenty-two.
501. *By Mr. Lackey*: How many turnkeys signed this application for additional protection? Thirteen, I believe. One of the turnkeys made it up, and requested Mr. Green to forward it to the Sheriff, and of course he forwarded it. 502.

502. *By the Chairman*: Do you know of any grog being supplied to the prisoners? I do not; not in my time. Mr. Thomas Barnes.
503. On any occasion have you heard of it? I have heard that some months before they had had something of the sort. I can only go by hearsay, and the Petty Sessions book. A quantity of rum was found on a prisoner, said to have been supplied by a warder. 5 Aug., 1863.
504. Do I understand you to say that the Petty Sessions book will disclose that fact? Yes. It was only by accident that I saw it.
505. Can you tax your memory so far as to give the date of that circumstance? I cannot.
506. Was it in Mr. Green's time? I cannot say. I seldom have occasion to refer to that book. My daily duties are sufficient to occupy my time.
507. An application for the Petty Sessions book will be sufficient to indicate what book I want? Yes, of course. The Petty Sessions book, in conjunction with the punishment book, will give the whole of the matter. In one there will be found the affidavits and the charges he was brought up on, and in the other the punishment is entered.
508. Will there not be a minute upon that made at the end of the hearing of the case, as to the decision? I cannot say that that is done. If it were for a certain number of days in the cells, that may be entered.
509. Who takes down the depositions? I do; and the Visiting Magistrate signs them; but he has the punishment book before him. The date of the offence, the date of the committal, the charge, the name of the person who charges, and the punishment are given.
510. Can you tell me whether there is more than one Petty Sessions book in the gaol? I think there are two; I am not certain. I do not know that there is more than one, but if so it will refer to a long way back. A Petty Sessions book is not often required.
511. Who takes the money from prisoners on their arrival at the gaol? The gaoler.
512. Is that the regulation since you have been there? Ever since I have been there it has been in force. I would rather it should be so. I keep a record of it, and the principal turnkey keeps another record. It is the principal turnkey's duty to take the money to the gaoler, who signs his initials on the principal turnkey's book, and the money is taken into the office and placed in the safe.
513. Who has the custody of the key of the safe? The gaoler.
514. Does the dispenser of the hospital keep an account himself of articles required for the use of patients independently of the account you keep of the general gaol supplies? Yes, I believe he does.
515. And who makes out the vouchers for the extra supplies for the hospital? I do.
516. From whom do you get your information to fill in the vouchers? From the dispenser himself.
517. And when the voucher is made out to whom is it submitted in the first instance? To the visiting surgeon.
518. Has he to sign his name and certify to its correctness? Yes, and I believe he takes the trouble to satisfy himself of that.
519. Having done that, to whom is the voucher then submitted? To the person from whom the articles are obtained.
520. Has any other person to sign the voucher? The gaoler.
521. Does it go to the contractors before it goes to the gaoler? No, to the gaoler first.
522. I want to know the process through which a voucher goes? I obtain from the medical book the amounts or articles required and copy them into the general requisition book. When I make out the voucher it is sent to Dr. Pringle, who signs in the body of the voucher; Mr. Green certifies to it, and then it goes to the contractor for his signature.
523. That has been in practice since you have been there? Yes.
524. You cannot speak of anything prior to that? No.
525. Then the gaoler can have no means of ascertaining whether that account is correct or not? Oh! yes.
526. Is it usual for the gaoler to question the account when the visiting surgeon certifies to it? Mr. Green always questions every account, and he can see by vouchers that the supplies have been received before he signs for them.
527. Were you ever attached to any gaol before you went to the Parramatta Gaol? Never.
528. Does the book you produce shew any accounts of extras supplied to the hospital in January, 1862? Yes, I think it does.
529. Does it shew what articles have been supplied to the hospital as extras? No, it does not, I see; it appears to be a petty cash book.
530. What extras were supplied to the hospital in January, 1862? One bottle of oil, three bottles of brandy, twelve boxes of matches, half-gallon vinegar, forty-four pounds of soap, four pounds of liquorice, and one pound of liquorice.
531. Can you inform me whether there are any means of ascertaining if these articles were received or not? If received they should appear on the body of the dispenser's book, for that period.
532. Does any person besides the dispenser order these things? I cannot speak with reference to 1862.
533. *By Mr. Couper*: Are you sufficiently acquainted with the internal management of the gaol, to know whether the prisoners are allowed to smoke? Yes, they are allowed to smoke; the first thing in the morning about half-past 6, and when they get their water for tea, about 9-30, or 10 o'clock. These are the hours according to the regulations for smoking.
534. Do you know whether the warders keep them strictly to these hours? I cannot say. They ought to do so.
535. Do you reside in the gaol? No.
536. What hours are you there? From 9 in the morning until 5 in the evening.

- Mr. Thomas Barnes. 537. From your observation do you consider the gaol managed now with equal strictness to the discipline observed when Mr. Allen was there? I cannot say. I do not know what the discipline was then.
- 5 Aug., 1863. 538. Have you anything to observe as to the management at present? I think there is nothing wanted in the discipline. The prisoners are generally well-behaved; of course there will be some exceptions, as in the case of Jones and Martin. Our punishment book will shew that.
539. Have you heard any expression of opinion amongst the warders as to this improvement in the character of the men being purchased at the expense of greater indulgences than they had formerly? I cannot say I heard that from the warders.
540. Did you hear it from anybody? No. I believe the gratuity placed in the hands of the Visiting Justice keeps many of them quiet, who would be otherwise disorderly. They are afraid to get into the cells, because then the gratuity stops. If a man has been in gaol for two years and done his duty, it was not worth his while to do anything for which he would receive three days in the cells before his two years were completed, because he would then only receive 6s.; he would lose the gratuity for the other eighteen months. It is that part of the regulations which keeps them quiet, in a great measure.
541. Do you consider then that it is a looseness of discipline? I cannot say that it is. The rules are made to give the prisoners such gratuity per month or week; I believe it amounts to 3s. per week, and tea and sugar are sometimes given to those recommended by their overseers.
542. *By Mr. Macpherson*: And tobacco? And tobacco. Mr. Green is as stringent as he can be, but he rules the men as men.
543. *By the Chairman*: I think you said a number of turnkeys signed a requisition to the Sheriff, not considering themselves secure on account of some leniency shewn to prisoners? That was directed against the decision of the Visiting Justice. It was an exceptional case that might happen to any one. One of the prisoners struck a turnkey without any provocation.
544. *By Mr. Cowper*: Did they send the requisition because they thought the Visiting Magistrate too lenient in dealing with this prisoner? Yes, I believe that was the impression.
545. Are the men well and constantly employed? Yes; some of them are excavating the ground for the new wing.
546. You get the accounts of the proceeds? Of all proceeds, except of the blacksmiths' work.
547. Do you not get an account of that work? No.
548. Who does then? The overseers.
549. Are they under the control of the gaoler or Sheriff, or under the control of the Colonial Architect? I believe they are under the control of the Colonial Architect; they are so far under the gaoler that they are considered as officers of the gaol.
550. But as regards the superintendence of mechanics they seem to be under the control of the Colonial Architect? Decidedly.
551. Are there any accounts given to the gaol authorities or the gaoler? When a return is asked for I can always obtain it from their books. They keep an account of everything for every week, and then the overseer, Mr. Brice, returns to the head gaoler the quantities of everything, though not the value. Some of the things made in the gaol are sent to auction for sale.
552. What do the prisoners make? Boots; that is all they are making now.
553. What are the other men employed in? Stone-cutting and excavating.
554. Do the warders generally work together, or is there discord amongst them? None that I am aware of; they generally work together; they are a quiet, peaceable set of men.
555. There has been no dissatisfaction expressed by them as to the gaoler not being sufficiently strict? None whatever.

Mr. W. Granlees called in and examined:—

- Mr. W. Granlees. 556. *By the Chairman*: What is your name? William Granlees.
557. You are a turnkey at Parramatta Gaol? Yes.
558. How long have you been so? About twelve years.
- 5 Aug., 1863. 559. Is it any portion of your duty to know the quantity of firewood received into the gaol? It is.
560. Have you the book with you, in which you make the entries? Yes, but I only take it from month to month, and do not take care of the book.
561. This book relates only to 1862 and 1863? Yes.
562. Have you no entries prior to that? No; I do not take care of them. I make the entry for the month, and the clerk makes it out in that book.
563. Have you the book in which you made entries for 1859 and 1860? No, this is all that I got.
564. Do you furnish information as to the quantity of wood received, to the clerk? Yes; he takes it out of this book every month. I keep the number of the load, and the day of the month it was delivered, and he takes it out of this book and enters it in his own book.
565. Do you know in what book he makes these entries of wood supplied to the gaol? Well I do not.
566. You recollect the warders of the gaol signing a document to the Sheriff, complaining as to the management of the gaol? I do. 567.

567. Were you one of the officers who signed that document? No.
 568. Do you know it to be a fact, that the warders are now more afraid of the prisoners than they were before, or is it the reverse? I hear them complain a good deal.
 569. One to another you mean? Yes.
 570. Do you know what that arises from? Well, I do not.
 571. *By Mr. Macpherson*: Are the warders armed? Yes.
 572. *By Mr. Cowper*: Are you afraid? No; I have nothing to do but to keep the gate. I have no opportunity of knowing or hearing what takes place inside, but I believe the prisoners are very obstreperous at times.
 573. Are they more so now than they used to be? That I cannot say; I have no opportunity of knowing; I am the gatekeeper.
 574. *By the Chairman*: Do you know what quantity of wood is received now—is it greater or less than was received in Mr. Allen's time? I cannot say until I add it up.
 575. Do you know whether grog is ever supplied to the prisoners? No.
 576. Do you know whether there have been any complaints of grog being stopped from prisoners? I do not.

Mr. W.
 Granlees.
 5 Aug., 1863.

WEDNESDAY, 19 AUGUST, 1863.

Present:—

MR. W. FORSTER,	|	MR. MACPHERSON,
MR. MORRICE,	|	MR. SUTHERLAND,
MR. DANGAR.		

WILLIAM FORSTER, ESQ., IN THE CHAIR.

Mr. Thomas Barnes, the Clerk of H.M. Gaol, Parramatta, called in and further examined:—

577. *By the Chairman*: Were you in the gaol when Mr. Allen was gaoler? No.
 578. Not at all? No.
 579. Who has been over you? Mr. Green.
 580. The present gaoler? The present gaoler.
 581. What are the arrangements with regard to the refuse articles in the gaol—I suppose there is a quantity of refuse? Yes.
 582. What becomes of it? It is given by the Government to the Benevolent Asylum at Parramatta.
 583. That has been the case during your time? Yes, during my time.
 584. That is, since the 14th April? During the whole of Mr. Green's time.
 585. How long have you been in the gaol? Since the 14th April last.
 586. And this refuse is given to the Benevolent Asylum? Yes; the Treasurer of the Benevolent Asylum orders any one to take it away. There are two or three persons who take it and pay him for it, and the money goes to the treasury.
 587. To the treasury of the Asylum? Yes.
 588. You get orders, and carts come and take it away? We have an order from Mr. Miller to deliver the refuse, and it is taken away.
 589. It is never thrown out? No; it is taken away every other day.
 590. Does the gaoler keep fowls or pigs? No.
 591. He has not done so since your time, in any way? No; he does not keep anything, except one little dog, I believe.
 592. What are your duties with regard to the prisoners—are you brought much into contact with them? No, not much. My duties are to perform the whole of the clerical duties pertaining to the gaol.
 593. Whom did you succeed? Mr. Hargrave.
 594. What post did Mr. Dobbin hold in the gaol? The same that I hold now.
 595. Does a large amount of money pass through your hands, or any money at all? Yes, money passes through my hands. Do you mean, speaking generally, as to the amount of salaries paid to officers?
 596. No? You mean prisoners' money?
 597. No, I mean money passing through your hands to go to the Treasury? The money passing through my hands amounts to this—at the end of each month, whatever auction sales take place of the results of gaol labour, Mr. Green gives his cheque for ———
 598. Oh! then your name and Mr. Green's check each other? No.
 599. Mr. Green signs, but do not you check? No, I simply make out the account.
 600. You have nothing to do with the money? No.
 601. And you are not responsible for it? No.
 602. Do you receive money to pay allowances at all? No.
 603. You do not receive public money at all? Not at all.
 604. Is anything placed in your charge? Yes, the rations.
 605. You do serve those out? I make out the requisitions for the rations.
 606. Are they under your charge? They are under my charge.
 607. You keep the lock and key of the building in which they are kept? Oh! no.
 608. How are they under your charge? The diet scale is made out at 3 or 4 o'clock in the afternoon, and sent to the contractor, who sends the supplies in the morning, and the turnkey and principal gaoler distribute them.

Mr. Thomas
 Barnes.
 19 Aug., 1863.

- Mr. Thomas Barnes. 609. You have nothing then of that kind in your care? Nothing but the books.
610. And I suppose you have an office to yourself, in which you keep your books? Yes, in the gaol.
- 19 Aug., 1863. 611. I suppose you have heard that there was some peculation committed, or alleged to have been committed by Mr. Dobbin, who was your predecessor? Yes, I know that.
612. How could that have occurred—was the system then different? Yes.
613. At present it would not be in your power to speculate in public money if you desired to do so, would it? If I were ever so much inclined to do so it would be impossible.
614. Do you think any change of system was established in consequence of Mr. Dobbin's malpractices? I do not know. I am not prepared to say how it was in Mr. Hargrave's time. When I went there I distinctly said that I would have nothing to do with the prisoners' money. It was not public money that Mr. Dobbin took, but prisoners' money.
615. You have nothing to do with the management of the prisoners? Nothing whatever.
616. But I suppose it comes under your observation? Yes.
617. Is it the case that the prisoners are regularly allowed certain indulgences? Yes.
618. In addition to the gaol rations? Yes.
619. What are those indulgences? A quarter of a pound of tea, a pound of sugar, and from one to two ounces of tobacco per week. There is one thing I wish to give you information about. The last day I was here I had an old ration-book with me. It was a ration-book of 1858 or 1859, which I had never looked into, and I find from again referring to that book that in the answers I formerly gave I misled the Chairman of the Committee.
620. You can make any correction you please? The account of firewood was not kept then as we keep it now. At the end of the month the accounts are made up, and the firewood appears there for some months. In my evidence you will find that I said that in November, December, and January no firewood was down.
621. I see that you say no firewood is down at certain times. Will you make now a statement in correction of that? I have the book with me. (*Book produced.*)
622. You can put in any statement you like in correction of what you consider erroneous in your last examination? In September, which was the first month, there are 36,000 lbs. of firewood. This is charged on the face of the ration scale for the month. It is usual now, instead of passing over, as this does, to have the intermediate page filled up with the total amounts, and carried out under the different contractors' names.
623. The amounts of firewood? Of everything. This being done at a later period of the book, and not being done here, led me to suppose that no firewood was charged; but I find in looking through at the end of the book that the amounts are totaled.
624. Will you give the amounts for those months in regard to which you previously stated that there was none? In September, as I stated before, there is 36,000 lbs. of firewood, but in October there is nothing whatever. In November there is 28,020 lbs. of firewood; in December, 28,954 lbs. of firewood; in January, 28,954 lbs. of firewood; in February, 26,152 lbs. of firewood; and in March, 28,954 lbs. of firewood. I think that was as far as the examination continued.
625. Can you tell how much was supplied in October of the same year? There is nothing down whatever in October.
626. How do you account for that? It is almost impossible to account for it. You see these go on from month to month, and then there is a blank. I wished to state this as it might have led to a wrong conclusion being drawn. The mistake arose simply because I never had any time to look at the old books.
627. You say that there are certain indulgences given to the prisoners now in addition to their daily rations—what do those indulgences consist of? A quarter of a pound of tea, a pound of sugar, and one or two ounces of tobacco per week.
628. These are given regularly? Yes.
629. Are pipes supplied with the tobacco? They are; not necessarily weekly, but they are supplied.
630. When they want them, I suppose? I dare say when they want them.
631. On what authority is this done? It is done by the Government—by the Sheriff I suppose.
632. The Sheriff orders it? The Sheriff orders it, I believe.
633. Is it done in the cases of all prisoners? No, not with the confines.
634. In all cases except the confines? Yes; if a confine volunteers to work he has the same indulgence as others. But they must be recommended by their overseers for this indulgence, or, in fact, for any extra indulgence above that. The rules laid down for our guidance are, that all persons who have been one month in gaol, who work diligently, and conduct themselves to the satisfaction of their overseers, may receive a quarter of a pound of tea, a pound of sugar, and from one to two ounces of tobacco per week,—or one ounce and such additional quantity not exceeding two ounces, as the overseer shall recommend.
635. This depends then a good deal upon the report of the overseers, of course? Yes, and the work the men do.
636. Do you think the system works well? It will, I have no doubt.
637. You say so from theory, and not from practice? I say it from practice.
638. How long has it been in operation? About twelve months.
639. And it has worked well hitherto? It has worked well.
640. Then why do you say it will work well? They have lately had some of the indulgences cut down. They have the same tobacco, but less tea and sugar unless they do extra work.
641. Does that make them discontented? No, but if they want anything extra of tea and sugar they must work extra for it. If a man made two pairs of good boots before, he must make three now; or, if he made three before, he must make four pairs now.

642. Do you know whether it is negrohead or Colonial tobacco that is supplied to the prisoners? I cannot say.
643. At what times do the men smoke? They smoke the first thing in the morning on being let out; they smoke again between 10 and 11, when they get their hot water.
644. There are certain hours allowed? There are certain times.
645. There is no smoking allowed at night in the cells, I suppose? It is against orders.
646. It might happen? It might happen.
647. Are the prisoners supplied with match-boxes, and all that sort of thing? No.
648. I suppose they get their pipes lighted from the fire on the place? From a coal from the kitchen I think, but I am not exactly aware how they do it.
649. Do you think the prisoners get a sufficient supply of food and clothing? They do.
650. How is their clothing supplied? By requisition; they have winter suits and summer suits.
651. Regularly? Regularly.
652. If some men wear their clothes out quicker than others, what is done in those cases? If a man wears out his clothes without destroying them, he must have another suit.
653. And he gets those clothes in addition to the usual issue? Yes, in addition to the usual issue; but I cannot speak positively, because that belongs to the principal turnkey; he can give you more information than I can upon that subject.
654. Do you think the discipline of the gaol is effective at present? Yes; the punishment book will shew that.
655. Has it came under your observation that the same men who have been in gaol, and gone out, often come back again? No, not regularly, but I have not been there very long. We may get some of the old women back again.
656. I suppose the separation of the men and women is complete? Yes.
657. Do the women get tobacco allowed them? No.
658. There is no smoking allowed among the women? No.
659. Do they get all the other indulgences? No; I believe they will get them after this week, in consequence of a new order from the Visiting Justice. Before that the women worked during the month, and had a quantity of tea and sugar divided among them rateably.
660. Do you think that system supplied them with tea and sugar equal in quantity to that received by the men? No.
661. They did not get as much indulgence as the men? No; that is one of the reasons for changing it, because our instructions say "all persons."
662. You never heard of or saw women smoking in the gaol? Never.
663. *By Mr. Dangar*: Will you please to tell us whose duty it is now to take charge of the prisoners' money? Mr. Green's.
664. The gaoler? The gaoler.
665. In consequence of an increased number of boots being required to be made for extra tobacco, do you think the goods are made as strong? Yes, because strict orders are given not to run the work.
666. Who examines the boots? The bootmakers are under an overseer of their own—a prisoner certainly.
667. Is he a practical man? He is a practical man, and a good tradesman. He then takes them to the principal turnkey. If they run the work they would get no indulgence whatever.
668. *By the Chairman*: The letter book is in your charge, Mr. Barnes? It is. (*Witness here produced from the book a loose document, purporting to be a copy of a letter from the Visiting Justice of the Gaol at Parramatta, to the Honorable Colonial Secretary, in reference to certain accusations made against the gaoler by a prisoner named Hugh O'Donnell.*)
669. Is this a copy of the letter contained in the book? No; they are the same in spirit, but not in letter.
670. Which is authentic? I cannot say.
671. You can append to your evidence a correct copy of the letter contained in the book? Yes.
672. Was there a letter from the turnkeys? Yes; I gave it to the Sheriff on Wednesday last, when he expected to be examined.
673. Will you describe it? It was a letter from the turnkeys to the Sheriff, complaining of Dr. Greenup being too mild.
674. What was the date of it—how long was it ago? I think it was about the 17th July; I will not be certain.
675. You have given the original of that letter to the Sheriff? Yes; it was sent to the Sheriff, and he sent it back with annotations.
676. Have you a copy of that letter? I have a copy at Parramatta.
677. We can have a copy of it? You can have the original.

Mr. Thomas Barnes.
19 Aug., 1863.

George Langley, Esq., called in and examined:—

678. *By the Chairman*: I think you are Clerk of Petty Sessions, and a Justice of the Peace? Yes, at Parramatta.
679. You have been a Magistrate at Parramatta for a long time? Yes.
680. For how many years? Since the year 1853.
681. And you have been in the habit of visiting the gaol at different times? I have been in the habit of visiting Parramatta Gaol occasionally since 1842.
682. You have visited it I suppose on duty, as well as in other ways? Yes.

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683. And you know a great deal about its management, and so on? I know so far as this, that during the time Mr. Allen held the position of gaoler there; on all occasions on visiting the gaol I found everything in proper order.
684. Oh, had you a knowledge of Mr. Allen's management, and of everything about the gaol, all the time he was gaoler there? I could only judge of his management by the appearance of the gaol.
685. And how long a period does your observation extend over? It goes as far back as 1842.
686. And up to the time of his removal? I was not resident in Parramatta all that time; I was away for four or five years.
687. How many years were you acquainted with his acts and doings? When I was not resident in the place I attended and visited the gaol occasionally.
688. What is your opinion of the general management of the gaol? I think it was managed remarkably well.*
689. Did you see no fault to find at all? No, none whatever. I considered Mr. Allen a strict officer.
690. Did you think that if he erred at all, he erred on the side of discipline? I do not think he erred in being strict.
691. You thought he was properly strict? Yes.
692. And no more? And no more.
693. Do you think the prisoners were kept in good order under him? I know of nothing to the contrary.
694. Are you acquainted with the management now, under the present gaoler? Yes.
695. Do you think that good? I do not think the present gaoler is so strict as Mr. Allen was. I do not think the discipline of the gaol is so strict now as it was then.
696. Do you know whether there is any marked difference as to results in the management of the present gaoler, as compared with that of Mr. Allen? No; I think the present gaoler is very anxious to discharge his duty.
697. You think he does very well then? I think a good deal depends upon the Visiting Magistrates of the gaol.
698. Have you any particular fault to find with the management of the present gaoler? Well I cannot say that I have as far as my observation goes.
699. But of the two I suppose you mean to infer that Mr. Allen was the better manager? He was stricter.
700. And you think that was to the benefit of the establishment? I came to this conclusion from observations made by Dr. Greenup, and from what I have seen myself.
701. In what particular points can you state that any difference is to be seen in comparing the management of the two? Perhaps I am influenced in this way: From reports that have reached me I have come to the conclusion that the gaol was under stricter management during Mr. Allen's time, than it is now.
702. For instance, there are more indulgences now than were formerly given to the prisoners? Yes; I think so. Tobacco is now given, which was not given formerly.
703. Tea and sugar—is that given in greater quantities than formerly? I am not aware as to the quantities.
704. Is that change the result of any opinion of the gaoler himself, or does it arise from instructions given by the Sheriff, or the Government? I suppose it emanated from the Government.
705. Then the gaoler himself is not answerable for any change of that sort? I do not think so.
706. Do you think that the greater indulgences now given have had a bad effect? Well, I am not prepared to say that. If the prisoners work, and are paid by taskwork, I think they are entitled to indulgences, when they do the work required to obtain them. I think the system of giving gratuities to prisoners leaving the gaols is a good one. I would not give it to them as a reward for labour, but to maintain themselves, on leaving the gaol, for a time, until they could obtain some honest employment.
707. That was done in Mr. Forbes' time, was it not? Yes, I think Mr. Forbes introduced it.
708. Was that system stopped for a time? No, I think not. If it was stopped for a time I think it was left to the discretion of the gaoler to give certain amounts under certain rules. The gratuity is a fixed 3d. per week; in case of ill-behaviour the Visiting Magistrate directs a deduction to be made.
709. Do you approve of allowing prisoners to smoke? Well, it is a great indulgence.
710. Yes, but do you think it is a good plan? Judging from Dr. Greenup's opinion. He seems to think it prevents the prisoners from coming into collision with the turnkeys. The prisoners will have tobacco, if possible, and they used to smuggle it before this practice prevailed.
711. And so you think it better to give way? Under certain restrictions, and in reference to men that work hard.
712. You say you had an intimate knowledge of Mr. Allen's proceedings; had you any reason to believe that he made away with anything placed under his charge, in the shape, for instance, of refuse, or small pickings, or anything of that kind? I believe that Mr. Allen had the refuse from the gaol, which is now sold; but it was merely the refuse of the gaol. I understand that he always had it.
713. It was done openly; there was no fraud in it, was there? Oh no, not at all.
714. What was done with the refuse in those days—do you know? I believe Mr. Allen kept pigs.

715. And fowls? Yes, and fowls too, I believe.
716. But you do not imply, I suppose, that there was anything novel in that—it was always the practice? Yes, it was done openly.
717. There is an alteration now? Yes.
718. Do you think that change is an improvement? I think it removes all cause of complaint and suspicion.
719. I suppose the former practice must have added to the profits and emoluments of the gaoler? Certainly.
720. Has any increase of salary been lately given to the present gaoler? I believe so.
721. To make up for the deficiency? No, I do not know that that was the reason, because Mr. Allen was recommended for an increase.
722. Are you aware whether Mr. Allen made use of the work of the prisoners improperly in any way? No.
723. I suppose you had opportunities of observing? I do not see how he could have done so without it being brought under the notice of the Visiting Magistrates.
724. Was it not the practice in Mr. Allen's time to allow prisoners to do work for the officers of the gaol? On one occasion I was present when Mr. Uhr was there, and the matter was then brought under the notice of the Sheriff.
725. How long was this ago? It was in the year 1862.
726. Will you state what occurred on that occasion? Do you mean with regard to a prisoner named M'Callaghan?
727. No, about this matter? About the shoes?
728. Yes, about the shoes? It appears that the prisoners were in the habit of making boots for the turnkeys, who were allowed to take them at the price for which the other boots were sold at auction out of doors.
729. And was this made a matter of complaint? I do not know. Mr. Uhr objected to it on the ground that the principle was bad—that the people would say that the boots made for the turnkeys were made better and of better material than those sold at auction.
730. Had this practice prevailed for a long time? I believe it had.
731. And did Mr. Uhr stop it? I believe so.
732. Has it been discontinued since? I do not know.
733. Did the Visiting Magistrates ever get work done for them? I do not think so.
734. You did not? No; only in the usual way that other people get work done, by sending things to the gaol.
735. In the same way that any of the public could get work done? Yes, in the same way.
736. People have been in the habit of getting work done in the gaol? Yes.
737. There has been a good deal of stone cut by the prisoners for people in Parramatta? Yes.
738. Do you know for whom it was cut? No, but I think it was done for the builders. A great change was made by Mr. Forbes; he introduced a new system of work. Before then the men were engaged in stone-breaking and work of that sort; but Mr. Forbes induced the men to work at different trades. They were taught stone-cutting and other trades. This was not only a great advantage to the Government (because the Government derived a large revenue from that source), but many of the men who went into the gaol idle vagabonds, and could barely get a living, came out with a trade. I believe some of these men were employed by different persons in Parramatta. I think Mr. Harrison, of Parramatta, employed one at £3 per week, after the prisoner came out of gaol. So that this way of employing prisoners not only benefits the Government, but enables men to earn a respectable livelihood.
739. Has that practice been discontinued? I do not think so; I think it is still going on.
740. Is there not a strong feeling against it out of doors? The public are jealous, I believe.
741. You mean those that are interested in those trades? Yes.
742. Do you think the Government was ever induced by any feeling of that kind to suspend the practice—or to stop it? I think the goods were sent to Sydney for sale.
743. But that would not be the case with stone-cutting? No.
744. Stone-cutting I think you said does not go on now? To a considerable extent it does.
745. That is for works about the gaol? Yes.
746. But the prisoners do not cut stone for people outside as formerly? No.
747. Was that not stopped in consequence of applications by people out of doors? I do not think so.
748. Do you know the reason of it? I believe the reason was that the Government required stones for their own building, but I cannot speak positively.
749. Do you know anything of the particulars of this business, on account of which Mr. Allen is supposed to have been removed—or is said to have been removed—I mean with regard to the receipt of fees as gaoler? I do not; I never knew anything about it.
750. Do you know whether it was generally the practice of gaolers to receive fees for conducting their prisoners before a Court, in obedience to a writ of *habeas corpus*? I never heard of it until this.
751. You never heard of it at all? No; my impression was that the gaolers were entitled to no fees.
752. You are not acquainted with the circumstances in this particular case? No, beyond what I have read in the newspapers, and heard from Mr. Allen.
753. There was no investigation made before any of the local Magistrates in the matter? No; I was not present at any.
754. Are you able to say of your own knowledge whether Mr. Uhr has any ill-feeling against Mr. Allen, or whether he ever had—I mean the present Sheriff? I do not think he has any personal feeling against him.

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755. You know of no grounds for supposing that he has any such feeling? I do not, if I explain what I believe. I cannot say from my own knowledge; but judging from his evidence, and from what I have heard, I fancy that he has been told things about Mr. Allen.
756. Are you aware whether the Sheriff has been in the habit of receiving private information from the prisoners against the gaolers, and against Mr. Allen in particular? I do not think the present Sheriff has.
757. Did any Sheriff do so? I have heard of Mr. Brennan.
758. Do you know anything of your own knowledge? No.
759. Is it not the practice of the Visiting Magistrates, or of any Magistrates, so to hear the complaints of prisoners? I would hear no complaint from a prisoner, except in the presence of the gaoler.
760. That is done repeatedly? I am not aware of prisoners bringing a charge against a gaoler. I was there once holding a Court in the gaol when the prisoners struck work.
761. Do you go sometimes to assist Dr. Greenup? No,* I have acted for him as Visiting Justice. I was acting for him in September or October, and the men struck work. I asked the gaoler to send in a few of the ringleaders to explain the matter. They said that the bread was of an inferior quality. I examined the bread, and found that it was not of a good quality, and I instructed the gaoler to call a board.
762. Who was the gaoler at that time? Mr. Green. The prisoners begged of me in calling the board, not to call persons who were interested, and I said I would see to that, and that if the board pronounced the bread unfit for use, I would have good bread supplied, and they should have their dinners.
763. The practice has been to receive the complaints of prisoners in the presence of the gaolers? I always did so.
764. But do you know whether it is the practice? I do not. I always did so.
765. Did you do so by the instruction of Dr. Greenup? I take no instructions from Dr. Greenup. When acting as Visiting Justice I use my own discretion.
766. Are you aware what the practice of the Sheriff is? No; I believe Mr. Allen was present.
767. Did you ever hear any complaint made against Mr. Allen's management? I have heard Mr. Allen's management spoken of very highly by Colonel Cotton, by Mr. Forbes, and by Mr. Elliott, and I have often myself spoken of the cleanly way in which the gaol was kept. In fact I never saw a better managed establishment. Some years back it was considered to be the best managed establishment in all the Colonies. That was during the time it was under Mr. Forbes, as Visiting Magistrate, and Mr. Allen, as Gaoler.
768. Did you ever hear any complaints of Mr. Allen, as to improprieties with women in the gaol? Never; I have heard rumours.
769. You have heard rumours? Yes, and I have seen accounts in the papers, but I gave no heed to those reports.
770. No complaints were ever made to you in any formal or official manner? No. I give no heed to idle reports. When a man is strict, and does his duty, he is sure to make enemies. I would not hear such complaints unless they were formally made. There was an old woman who made a complaint against Mr. Allen, but I think she is mad.
771. *By Mr. Macpherson*: At the time of Mr. Allen's dismissal, as far as you are aware, was the general impression that he was dismissed on account of this particular offence, or that this was as it were only the last straw, and that there was general dissatisfaction in regard to his conduct? Whatever my impression might have been then, it was removed by seeing what Mr. Uhr stated as to the cause of his dismissal.
772. I think you stated that you are not aware, of your own knowledge, whether the practice is general? I am not aware of it.
773. *By the Chairman*: Are you aware of any declaration having been made before any Magistrate with reference to the charge made against Mr. Allen, and the cause for which he was removed? Yes.
774. A declaration? Yes.
775. A formal one? Yes; Mr. Allen asked me to prepare a declaration in regard to a man of the name of Taylor, I think.
776. Mr. Allen asked you? Yes; Mr. Allen came into the office and asked me to prepare a declaration for Whiteside. I did not prepare it; I told him to get Mr. Lyons to do it. He walked in with Mr. Whiteside, who made the declaration. The declaration was declared before me as a Magistrate.
777. Was it sworn to? No, it was simply declared.
778. By Mr. Whiteside? By Mr. Whiteside.
779. And that declaration had reference to this matter? It had.
780. What became of it? It was handed back to Mr. Allen, and I believe it was forwarded to the Government.
781. It was not left in your custody? No; I simply took the declaration as a Magistrate.
782. Can you state the purport of it? It is printed among the evidence.

Robert

Robert Palmer Abbott, Esq., called in and examined :—

783. *By the Chairman* : You are a solicitor? I am a solicitor.
784. Have you been concerned at any time in the production of prisoners before Judges on writs of *habeas corpus*? Yes, on several occasions.
785. How many years back? I have known of it since I have been practising. I have known it for the last ten years and previously, while I was articled.
786. Are you acquainted with Mr. Allen, formerly gaoler of Parramatta? I am.
787. Do you know him pretty well? Yes.
788. Have you ever been concerned in matters of the sort in which he also was one of the persons concerned? I have. On that occasion —
789. On what occasion? On his prosecution at the Police Office. He was brought up —
790. Are you referring to a particular case? Yes, to a particular case.
791. Will you be kind enough to look at that petition (*Petition of Thomas Duke Allen*), and state whether you know the circumstances of the particular case which is referred to there? Do you refer to the case mentioned as that upon which Mr. Allen was dismissed?
792. Yes; that is the case I refer to? I know nothing of that personally.
793. What particular case were you referring to? It was a case in which Mr. Allen was defendant and I was acting for him. It was necessary to have two prisoners brought down from the Maitland Gaol on a writ of *habeas corpus*.
794. That was a civil case I suppose? It was a civil case. It was a Police Office proceeding.
795. But was it a matter in which the public were concerned, or simply a matter between the plaintiff and the defendant? As Mr. Allen's solicitor I had the *habeas corpus* issued to have the prisoners brought down to Sydney to take their evidence.
796. What was the nature of the case? It was an affiliation case.
797. It was not a prosecution on behalf of the Queen? No.
798. It was an affiliation case? It was an affiliation case.
799. Against Mr. Allen? Against Mr. Allen.
800. You found it necessary in that case —? To have the evidence of two prisoners from the Maitland Gaol. I sent the writ of *habeas corpus* to my agent in Maitland, with instructions to him to pay whatever was demanded by the gaoler, who demanded, and was paid, ten guineas for bringing the prisoners down.
801. The gaoler himself attended the prisoners did he? I cannot say. I think the gaoler attended himself.
802. Is it not usual for gaolers to attend prisoners under those circumstances? I think so. I think it has been so in all cases that I have seen anything of, but I cannot speak positively. It is more prudent. I think Mr. Wallace came down on this occasion.
803. Is it necessary, as a matter of law, that a gaoler should attend prisoners under such circumstances? As a matter of law he is responsible for the safe custody of the prisoner, and I should imagine that it would not be prudent in him to trust the prisoner in the hands of anybody else. I think if there were any escape he would be held responsible.
804. In this case the Maitland gaoler was responsible whether he attended or not? I think so.
805. And he charged five guineas for each prisoner? Yes, he received ten guineas.
806. Did you regard that as an unusual charge? No, I thought nothing at all about it. I think it would be unreasonable to ask that prisoners should be brought down by a gaoler without the expenses being paid.
807. You did not pay anything extra? No, I paid the ten guineas; that was what he asked and what he received.
808. He brought the prisoners down by steamer? I think so.
809. Was he attended by any constable? I think the gaoler was there, and I imagine he would bring some one with him.
810. Was the public not at some cost in bringing down these prisoners? Not in the least that I know of. Ten guineas was ample. I made no question about it, but paid it in the same way that I would pay anybody else whose services I required.
811. Have you been concerned in any other cases? I have known of them, and been concerned in them, for a course of years; but I cannot now refer to any case particularly.
812. Can you state generally whether it is the practice to charge fees? I think it is a universal practice.
813. Will you be kind enough to notice the distinction between civil and criminal cases, and to state to the Committee whether the practice of charging fees has been general both in civil and criminal cases? I never heard that there was any difference made. I know that there is a difference, and that there might be a hardship in one case and not in another, but I never knew of a difference being made.
814. If a prisoner is brought down on his own account, on a writ of *habeas corpus*, in a way which affects the very matter of his imprisonment, and which might lead to his release—in that case who would pay the fee? Of course I have heard much about it lately. I believe there has been some prohibition against the gaoler's receiving fees, but previously, I believe, there never was any question about it. It was just in the same way that if a prisoner had not sufficient means to obtain the services of lawyers he could not have the law; and if he would have an attorney he must also be in a position to pay the expenses of coming to Sydney. I see the distinction.
815. You understand that the receipt of fees by gaolers has been prohibited lately? Yes.
816. Who pays the expenses now? I do not know. If I sent a writ of *habeas corpus* to any distant part of the country, I should not think of asking the gaoler to bring a man down at his own expense, and I do not think there is any provision for funds in those cases.
817. Suppose a prisoner was brought down in a case of prosecution by the Queen, and that

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Robt. Palmer he was charged with felony, how would the expenses be settled? The subpoenas would go from the Crown Solicitor's Office, and I suppose the Crown Solicitor would see that the expenses were paid. It is a Government matter.

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818. The question would not arise then? I think not.

819. Cases of that kind have repeatedly happened—do you know whether it has been the practice in such cases to pay a fee to the gaoler? I cannot say; it would be done by the Crown Solicitor, and, being Government business, he would not pay the money out of his own pocket.

820. But where it was a matter of public prosecution the public might pay it; if a gaoler had a right to a fee I suppose he would have as much right to a fee from the public as from any private person? No matter what the law is, it would be a most unreasonable thing to ask a gaoler to bring prisoners down at his own expense.

821. Should you say the practice was so general that there was nothing criminal or improper in Mr. Allen receiving a fee—that he was entitled to it? I should not have taken the slightest notice of it if Mr. Allen had done it in a case where I was concerned, the practice was so general. I think any attorney you ask will say the same.

822. Looking at the circumstances under which Mr. Allen is alleged to have been dismissed, upon the face of that petition should you say he had been unfairly treated? I think he has been very harshly dealt with. There was no prohibition to take these fees, and it was generally known that it was done. Before he could have been found fault with for doing it I think he ought to have been told not to do it.

823. Do you think there was any ground for dismissal at all, as alleged in this petition? I do not think there could be.

824. Are you aware of any case in which a Judge has ordered a fee to be paid? No; I have had several writs of *habeas corpus* for the production of prisoners from Darlinghurst and Cockatoo Island, but I never knew the Judge do more than make the order.

825. Do you know anything of Mr. Allen's conduct as a public officer? Mr. Allen is connected with me, but I can only speak of him as any other person would. I know nothing personally of his management.

826. Do you know anything against his conduct as a public officer? No, but I always understood that he got great credit for the way in which the gaol was managed.

827. Have you had any conversation with the Sheriff lately in reference to this matter? Not lately. I had a conversation with him soon after Mr. Allen was dismissed, and when he had taken some steps in the matter. I was in the Court one day and the Sheriff met me and asked me to go into his room. I went with him and he spoke to me about some letter which Mr. Allen had written to him. I said that I knew nothing about it, and that I did not wish to interfere with it. Mr. Allen had taken up the matter to see if he could not get it set right. He said he believed he was blamed for Mr. Allen's dismissal. I said I thought there could be no doubt about that; that Mr. Allen blamed him, and with justice. He assured me it was not the case, and that when this correspondence was published I would be able to judge for myself. So far from that, he said, if Mr. Allen applied to the Government for any situation he was suited for, he was at liberty to refer to him, and they had several in their gift at the time. I think it was about the time of the appointments under the new Police Act. He said if Mr. Allen applied he was at liberty to refer to him.

828. The Sheriff said so? The Sheriff said so; that he was at liberty to refer to him. I said that was strong proof that he had no ill-feeling against Mr. Allen. When I was coming away from him I said to him that he often had situations in his own gift; and I asked him if Mr. Allen heard of any situation which would suit him, whether he would appoint him, or recommend him for appointment, and he said he would.

829. Have you read the correspondence since? I have looked through it.

830. Does it bear out the statement the Sheriff made? No; I would say that the Sheriff recommended Mr. Allen's dismissal; but the Sheriff volunteered the statement to me, and I understood that it was to be conveyed by me to Mr. Allen. I did not seek it, and would rather not have had anything to do with it, because I thought I should only get the credit of being prejudiced. He told me distinctly, that any situation in his gift, he would recommend Mr. Allen for.

831. *By Mr. Macpherson*: Mr. Uhr? Mr. Uhr, the Sheriff. It was in his room that the conversation took place, and he asked me to go there.

WEDNESDAY, 2 SEPTEMBER, 1863.

Present:—

MR. DANGAR,
MR. W. FORSTER,

MR. MACPHERSON,
MR. MORRICE,

MR. SUTHERLAND.

ROBERT MARINER FORSTER, ESQ., IN THE CHAIR.

David Graham Forbes, Esq., called in and examined:—

D. G. Forbes,
Esq.

832. *By the Chairman*: You are now one of the Crown Prosecutors? Yes.

833. You were formerly Police Magistrate at Parramatta, and Visiting Justice at the gaol there? I was, from about June, 1851, to about June, 1856.

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834. You visited the gaol frequently during that period? Very frequently, and particularly during the latter part of the time I was at Parramatta.

835.

835. You had every opportunity of noticing the way in which the duties of the gaol were conducted by Mr. Allen, who was gaoler at that time? I had. D. G. Forbes,
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836. Were the accounts of the gaol, for rations and so forth, submitted to you as Visiting Justice, before they were forwarded to the Government? I am not quite sure about that, but I believe they were. 2 Sept., 1863.

837. Used you to examine the books kept in the gaol? Yes. Perhaps you will allow me to explain in this way:—It would have been quite impossible for me to have checked the accounts for rations and so on—the salaries of course I could have checked—but the ration accounts of the prisoners, as to what they got, what the contractors were paid, and so forth, I could not possibly check; but I had every opportunity of checking the work of the prisoners. I introduced a system of work there among the prisoners, and Mr. Allen used to receive, beginning with smaller sums, eventually large sums of money, as much, during the last two years I was there, as £5,000 in hard cash, paid in small sums for work done by the prisoners. I had an opportunity of strictly examining these accounts, and I never found them wrong one farthing, though he might have taken anything he pleased to put his hand on; but he could not have taken anything without my finding it out. I do not know whether he was aware of the check I had over him, but I could have told if his accounts had been wrong. I found him always accurate in all his accounts.

838. Was that the character he bore during the time you were there? That was the character he bore during the whole time I was there. In fact I may say I never had one occasion to find fault with him during the time I was there. He gave me entire satisfaction.

839. Are you aware whether a similar opinion was expressed by others in authority? I believe the same opinion was expressed by Mr. Darvall, who succeeded me as Police Magistrate at Parramatta. I heard him also spoken of very highly indeed by Mr. John Richard Hardy, the Police Magistrate who was there before me.

840. You know Mr. Gilbert Elliott, who was at one time Police Magistrate at Parramatta? I do, and he also spoke very highly of Mr. Allen.

841. Do you know Mr. Elliott's handwriting? I do.

842. Are these two letters in his handwriting (*letters handed to witness*)? They are; and I believe this (*referring to one of the letters*) is Dr. Hill's handwriting. I never saw him write, but I have seen books that must have been signed by him, and I believe that to be his signature.

843. There is another signature there—"M. Anderson, J.P."? I do not know that signature.

844. I have been informed that you have in your possession some documents from very high authorities, speaking in very high terms of the way in which the gaol at Parramatta was managed? I have some letters, but I do not know how far I should be justified in putting them before the Committee; but I have no objection to state this, that after I had left Parramatta to become Police Magistrate at Sydney, and had been there about eighteen months or two years, I one day received, while on the Bench, a private note from General Macarthur, requesting me to see him on important business. I saw him in consequence, and he informed me that Mr. Price had been murdered—that he had a great opinion of me to take his place, and wished to know whether I would accept the appointment. He asked me to get some letters, speaking of my qualifications. I therefore went to Sir William Denison, Sir Alfred Stephen, Mr. Deas Thomson, and other friends in Sydney, who all gave me letters to give to General Macarthur, who forwarded them to Melbourne. In some of these letters the management of the gaol at Parramatta was spoken of very highly, particularly by Sir Alfred Stephen, and also by Mr. Deas Thomson. It was mentioned by Sir Alfred Stephen as being one of the best regulated of our penal establishments in these Colonies; and it was at that time that Mr. Allen was gaoler. I have copies of these letters in my pocket, and if the Committee want the particular words referred to, I have no objection to give them.

845. Then you have never had occasion to find fault with Mr. Allen? I have never had occasion to find fault with Mr. Allen from first to last, nor with his wife, who was matron there. In fact I was quite surprised when I heard that fault had been found with him, and I am very sure had I remained at Parramatta I should have had no cause to complain of his conduct.

846. Do you recollect a board having been appointed by order of the Government to inquire into the condition of the gaol at Parramatta, in consequence of some statements that had been made about December, 1859? Yes, there was such a board.

847. Did you give evidence before that board? I believe I did, but I am not quite sure. I know I was there. Mr. Gilbert Elliott was the chairman.

848. Were you Visiting Justice in December, 1859? No; I never went to the gaol after 1856.

849. *By Mr. Macpherson*: Are you aware whether it has been the practice amongst the gaolers in the Colony to receive fees for bringing prisoners to Sydney under similar circumstances to Mr. Allen's case? I do not know exactly what the charge is against Mr. Allen.

850. *By the Chairman*: The charge in the first instance is that he received a fee from a prisoner in gaol, who was wanted to be brought down to the Supreme Court on *habeas corpus*—that was the special charge, and upon that he was dismissed? Well I could not say whether or not it was the custom; but I know it was customary for the gaolers to have many gratuities and perquisites which were permitted in some instances by the special authority of the Colonial Secretary. With reference to this particular thing I do not know whether it was the custom or not.

851. *By Mr. Macpherson*: You have not heard of any gaoler ever having been dismissed for the receipt of any such perquisites, although they were not amongst those acknowledged as belonging to the office? No; I never have heard of any gaoler being dismissed for any such offence.

- D. G. Forbes, Esq. 852. I suppose the waste of the prison, and similar matters, are what you allude to? No; I allude to this, that there was a special order that the gaoler should have an opportunity of having things made, and employing the prisoners for his own benefit—a special order from the Colonial Secretary. When I introduced the system of work, to which I have already alluded, into the Parramatta Gaol, I put a stop as far as I could to any perquisites being allowed either to the gaoler or turnkeys, in lieu of which I allowed them to get work done in the gaol at cost price, but no other advantage. In doing this Mr. Allen greatly assisted me by bringing all matters of this kind under my notice. I was in great hopes that the whole system of perquisites might be done away with, and better salaries paid to the men; and I recommended that this should be done.
- 2 Sept., 1863. 853. Still these perquisites, to which you allude, were not specially authorized by anything except the custom of the gaol? No; except such as were authorized specially by the Colonial Secretary.
854. You are not aware of your own knowledge whether the particular custom to which I have alluded, was in existence or not while you were Visiting Justice? I am not.
855. *By Mr. W. Forster*: Has it always been the practice for gaolers to attend on writs of *habeas corpus* personally, from your own knowledge? I do not know.
856. Do you recollect any instance of the kind occurring? No.
857. I suppose these matters did not come very specially under your cognizance? No.
858. They might occur without your knowing anything about them? Yes; they were matters in which the Sheriff was more immediately concerned. I do not see how anything of the kind could have passed without the Sheriff knowing it.
859. Who was Sheriff at the time? Mr. John O'Neil Brennan.
860. Did you ever hear him make any complaint on the subject? Never.
861. Did you ever talk to him at all on the subject? No.
862. Supposing a gaoler felt it his duty to attend in that way, how would his expenses be paid? He would have to pay his own expenses.
863. Are you perfectly certain? I am pretty sure of it.
864. And the expenses of the prisoner too? I do not see what expense the prisoner could be put to, except it be carriage, and for that I suppose he would get a voucher, and the Government would pay it.
865. Would you not, in that case, suppose that if this practice existed, the fee was considered in some degree a remuneration for the cost of bringing prisoners backwards and forwards? Possibly it might.
866. With regard to the perquisites of the gaoler at Parramatta, has there not been some alteration in regard to the refuse being used for keeping fowls and pigs. What was the practice in those days? When I first went there it was the practice to give anything that was left to any fowls, or pigs, or other animals that might be kept about the premises; but I put a stop to that.
867. Whose fowls and pigs were they? They belonged to the gaoler.
868. Then in fact that was the gaoler's perquisite at that time? Yes.
869. I suppose it was done with the sanction of the authorities? It must have been with the sanction of the authorities, because I saw and put an end to it. If Mr. Hardy had thought it right to put an end to it he could have done so.
870. It has been discontinued since? It was discontinued in my time; I cannot say what is the practice now.
871. Do you know anything of the management of the gaol since? No, except that, although in the last year I was there, there was £2,500 profit on the work of the prisoners, in hard cash, sent to the Treasury; now I believe there is nothing.
872. Do you think the good management of Mr. Allen had anything to do with the favourable result? I believe it had. I had such confidence in Mr. Allen that I had a forge erected and tools placed in the hands of the prisoners, in order to carry out the system of work which I had introduced. I introduced an entirely new system there, by turning the labour of the prisoners to account. Private persons used to pay for stonecutting and other things, in which the prisoners were employed. Some were employed at their trades—some at stonecutting—some few at hatmaking—some in making wheelbarrows, and goods of that kind. All this created a complication of accounts, and necessitated putting tools into the hands of the prisoners, which might have been used as instruments to effect escape out of the gaol, had it not been for the vigilance of Mr. Allen and the turnkeys under him. I found Mr. Allen not only strictly accurate in his accounts, but very attentive and diligent in the performance of all his duties; so much so that I felt I could thoroughly trust him. If I had not been so well assisted in carrying out the system I introduced, by Mr. Allen, great irregularities might have resulted from it, and the prisoners might have attempted, if they had not effected, an escape.
873. Do you consider you were the first to introduce that system into the Colony? I think I was, and I have Sir William Denison's authority in writing for saying so.
874. You were the first that recommended it? Yes; he says that in a letter he wrote me.
875. Mr. Allen was mainly instrumental under you in putting this system into operation? Yes. If I had had an inefficient gaoler I could not have attempted it; and indeed it was not until I had had some experience of Mr. Allen that I did attempt it. I was appointed in 1851, but I did not begin to alter any of the existing arrangements till 1852 or 1853.
876. Do you consider that, with proper assistance, such as you describe Mr. Allen to have given you, this system is capable of being extended to all the gaols in the Colony? I am sure it is. It was not my system; I never laid claim to it; it is, in point of fact, the American system. In America they make the prisoners pay all their expenses; and if it is done

done in America why should it not be done here? The gaols here cost the Colony £54,000 D. G. Forbes, a year, or about £44 per head. If the same prisoners were in America they would be a source of revenue to the extent of about £11,000 or £12,000 a year.

877. As I understand you, the system is attended with great benefit to the prisoners themselves? They have the advantage of the difference between work and idleness. D. G. Forbes, Esq.
2 Sept., 1863.

878. Do you think, from your experience of this system of work, that its beneficial effect upon the prisoners themselves was so permanent as to prevent many of them from coming back to the gaol? I believe it was; but there were many different opinions. Sir William Denison did not think it was; he said it was impossible to reform these fellows; others said it was possible. If it is possible to reform them at all, I am sure it is more likely to be done in that way than any other. The first thing to be done towards reforming is to keep them at work. In America they say they do reform them.

879. Did you ever hear any rumours, or did any complaints ever reach you, as to any improprieties in regard to the female prisoners under Mr. Allen's charge? Never. I never heard anything of the kind until Mr. Elliott's committee was appointed; and Mr. Elliott told me himself that he entirely acquitted Mr. Allen of all the charges brought against him on that occasion.

880. And from your own observation you do not think there was any ground for those charges? I cannot imagine it possible, because Mrs. Allen was always in the gaol, and, if I may be permitted to say so, she appeared to be very well satisfied with her husband, and her husband with her. I cannot conceive that anything of that kind could have taken place without creating ill-feeling between them. The fact is, a number of turnkeys were sent up to Parramatta at that time—at whose instigation I do not know—as spies upon Mr. Allen, and they acted in that way.

881. By whom were they sent? By the Sheriff, I suppose.

882. *By the Chairman*: Who was Sheriff then? Mr. Brennan. Then afterwards all these charges were made.

883. *By Mr. W. Forster*: In what way were the informations given by these turnkeys received—were they taken in any regular way, or to whom were they communicated? They were communicated direct to the Sheriff.

884. Was that the usual practice? No; they ought to have been sent through Mr. Allen, and I ought to have known of them.

885. Then, in fact, it has come to your knowledge that charges were constantly being made behind Mr. Allen's back? Yes, that is why I call those making them spies.

886. When these matters came to your knowledge did you make any complaint or remonstrance at all? Yes, I remonstrated about it. It was just before I left that these things occurred.

887. Do you think there was any ill-feeling on the part of the then Sheriff against Mr. Allen? I think there was, and against me also, because I had carried out a system that had been approved by the Government, and he had rather failed. Since then he has been dismissed.

888. There was some kind of rivalry then between you and the then Sheriff? Yes, there was something of that kind existing, and I have no doubt he was very much annoyed with Mr. Allen, because Mr. Allen was successful in what he did, even after I left, because Mr. Darvall carried on the same system for some time.

889. Then to sum up upon this case that has been laid before the Committee, and of which you have some knowledge from Mr. Allen's petition, do you consider that if these charges against Mr. Allen were fully proved, his dismissal would have been justified on those grounds alone? This (*referring to a paper which had been previously handed to the witness*) is Mr. Allen's reply, but what is the charge?

890. I may briefly state the charge to have been —? Was there only one charge?

891. But one—that in attending a prisoner on a writ of *habeas corpus* before the Supreme Court, he is charged with having received a fee amounting to £3 odd—supposing he did receive it, or a fee to any amount at all, do you consider it was good ground for his dismissal? I think for a first offence of that kind, if it was taken to be an offence, he ought to have been cautioned not to do it again; or if it was a practice which was supposed to be sanctioned, it might have been stopped; but to dismiss him for it was, I think, extremely hard.

892. From your knowledge of Mr. Allen's character should you say it was treating him with justice? It is hard to pronounce an opinion about that. I should be sorry to say Mr. Uhr would be guilty of treating him with injustice. It may have been that he had some other reasons. But I think that if Mr. Allen was dismissed on that sole ground it was extremely harsh treatment—very harsh indeed. I see Mr. Allen has had an opportunity of answering these charges. But then a gaoler is differently situated to other Government officers, for although the Sheriff does not appoint him, yet he is responsible, and if he says a gaoler has been guilty of any misconduct or neglect in consequence of which he could place no confidence in him, he might recommend his dismissal so strongly that the Executive would not desire to interfere in his favour. The Sheriff is answerable for the safe custody of prisoners under the present law, and, therefore, though the gaolers are appointed with the approval of the Executive, still they are principally appointed by the Sheriff. If the Sheriff had any other charges against Mr. Allen it might possibly not have been a harsh thing to dismiss him; but if that was the only charge I think it was extremely harsh treatment.

893. *By the Chairman*: Do you not think every charge should stand or fall on its own merits? I think it ought in strict justice; but at the same time I think, as a matter of expediency, that when the Government find an officer charged with first this and then that, and at last some charge is brought home against him, they may fairly dismiss him; because they may say it is inconvenient to have a man who is constantly attacked in that way.

894.

D. G. Forbes, Esq. 894. Can you say whether, at the time this seeming ill-feeling towards Mr. Allen existed, as exhibited by sending these turnkeys from Sydney, complaints were being made as to the mismanagement of the gaol in Sydney, and comparisons drawn between the goals at Parramatta and Sydney? Yes, about that time comparisons were being made.

2 Sept., 1863. 895. Those comparisons resulting unfavourably towards the Sydney Gaol? They did in the minds of some persons, but there was some difference of opinion. I think Mr. Parkes was inclined to imagine that there was more valuable work done in Sydney than in Parramatta; that is to say, in building the gaol. At all events, there were comparisons being drawn about that time between the two.

896. Do you know whether, by the adoption of the system carried out by Mr. Allen in Parramatta Gaol, any of the prisoners acquired a knowledge of any trades there? Several of them did; when stone-cutting was first commenced there for instance, I do not think there were more than four or five prisoners who could cut stone, and when I left there were upwards of sixty, of whom somewhere about fifty-four had been taught in the gaol. They were very good workmen; and after they left the gaol several of them were employed by Mr. Harrison—who used to send the stone in and get it cut—to go and cut for him at very good wages.

897. That is a proof of the benefit of the system? Yes. Mr. Dawson, and Mr. Weaver, who was then Colonial Architect, both said the men worked as well there as free labourers outside the gaol on Government works.

898. Used you to visit the cells in the interior of the gaol? Yes; whenever I went there, and they were always very clean and very well kept. I have heard Dr. Greenup express himself perfectly satisfied with the condition of the gaol, as far as cleanliness went, and he used to take great interest in examining everything very carefully.

899. Did ever any case of cruelty or ill-treatment of a prisoner come under your observation? Never.

900. Could such a thing take place without your having heard of it? No, it was impossible, because the prisoners would have complained to me. I always used to see every prisoner in the gaol, in cells or out of cells, or anywhere else, and I encouraged these men to make any statement they chose about the gaol; and if they made any complaint it used to be thoroughly and completely investigated before I left the place.

Mr. Thomas Duke Allen examined:—

Mr. Thomas Duke Allen. 901. *By the Chairman:* You desire to give some little further evidence in reference to this matter? Yes.

2 Sept., 1863. 902. You have heard the particulars with reference to the wood supplied to the gaol at Parramatta—I think it is stated that the accounts have been sent in twice? With regard to the wood and forage, the contractor, Mr. Patrick Hayes, was absent at the time payment for extra allowances became due; a warrant was issued for his apprehension, for forgery, but he could not be arrested for a length of time. After he was arrested and committed to Parramatta Gaol, he applied to me for these accounts, and they were so long standing over that I referred him to the Sheriff. On the Sheriff's next visit, he did apply to him. The Sheriff called the clerk, Mr. Dobbin, and told him to look over his account, and if there was anything due to Hayes, to make out a voucher and send it in the usual way to him. Mr. Dobbin looked over the books, and I told him to be very particular in regard to these accounts. He made out the vouchers in the usual way, and submitted them to me for signature, and not doubting the integrity of the clerk for a moment I signed them, and they were sent down to the Sheriff. The clerk was appointed by the Sheriff without any reference to me whatever, and I never had any reason to doubt his integrity, or to suppose that he would do anything of the kind. It was more than I could do to check every item in the accounts, and attend to my other duties as well—they were very complicated in Parramatta Gaol.

903. What has become of the clerk since? He bolted from Parramatta Gaol, after embezzling upwards of £50 or £60 of the prisoners' money entrusted to him. He took the keys of the iron safe away with him. I reported the matter to the Sheriff, and after some eight or ten days I had to break the safe open. There was no money in the safe; he had taken it all away. He was afterwards taken into custody, and was sentenced to three years in Darlinghurst Gaol, for embezzlement. He is in Darlinghurst serving his sentence now. I was for nearly twenty-one years in the gaol, and I think I was very harshly dealt with.

904. During the whole of that period, was it not your invariable practice to receive fees in similar cases to that for which you have been dismissed? It always had been the case, which I have documents to prove.

905. Was this with the actual knowledge of any of the authorities? It was with the knowledge of the then Sheriff, and the present Sheriff, because the latter has been longer in the Sheriff's Office than I have been gaoler, and he was sub-Sheriff at the time the occurrence took place with regard to a *habeas corpus* relating to a Mr. Sage. The late Sheriff desired me to refund some portion of money received by me, for bringing Mr. Sage to Sydney on several occasions; I brought him eight or ten times, and every morning Mr. Gilbert Wright, his solicitor, gave me a cheque for £3 3s. When Mr. Sage was no longer required in Sydney some person made a complaint, and said the sum paid was rather too much, and Mr. Brennan wrote up to say he thought I was rather overpaid, and that I was to refund I think £4, which I accordingly refunded. No doubt the Sheriff's letter-book will prove this.

906. *By Mr. W. Forster*: Were you not obliged to pay this money that Dobbin was a defaulter for? As long as I remained in the gaol; I think I paid £40 or £50 of it.
907. Did they stop it from your salary? No, I paid it as it was required by prisoners leaving the gaol. The Government are bringing an action against me now for the balance.
908. How much did you pay? I paid upwards of £50.
909. Without being asked to pay? Yes, I was asked.
910. The Government then insisted on your paying it? The Sheriff did.
911. But you did not pay all? No.
912. And now they are bringing an action against you for the remainder? Yes.
913. You intend resisting that action? Yes.
914. Then how came you to pay a portion of the money while in office? For fear of losing my situation.
915. You think it an unjust claim? Yes, because I never had charge of the prisoners moneys.
916. Who had charge? The clerk, with the concurrence of the Sheriff and knowledge of the Visiting Justice.
917. The man who ran away? Yes.
918. Were any securities ever taken in his case? Never.
919. Ought there not to have been, according to the custom of the service? It was never done in my time.
920. Is it not usual for Government officers, who have charge of public moneys, to give security? Not that I am aware of in the gaols.
921. It is done in other branches of the service? Yes.
922. What had you to do with this Mr. Dobbin? He was under me as clerk.
923. The receipt of money you had nothing to do with? No.
924. Was it ever paid into your hands at all? Never.
925. It was Mr. Dobbin's duty to receive the money then? Yes.
926. And to pay it to whom? To prisoners when they were discharged. When a prisoner was admitted into the gaol he was searched, the principal turnkey standing by, and everything taken from prisoners in that way was handed over to the principal turnkey, who had a book in which he entered every particular, and then paid the money over to the clerk and took his receipt. The clerk had another book, in which they were entered by him, and when prisoners were discharged he referred to it and paid whatever was to their credit, taking their receipt therefor.
927. When he paid money to the prisoners back again, did he pay it without authority from the gaoler at all? It was his duty to pay it.
928. It was not your duty to see that the money was paid? No, unless referred to on the subject under special circumstances.
929. You never interfered? No.
930. Was the Sheriff aware of these arrangements? Yes.
931. I suppose in some cases there was surplus money remaining that was not paid back, on account of the deaths of prisoners, and so on? If there was any remaining a schedule of it was made out and transmitted to the Sheriff, or by order of the Sheriff it was handed over to the Benevolent Society.
932. Was the gaoler ever required by the Sheriff to hand the money over? No.
933. To whom was the requisition of the Sheriff addressed? To the gaoler.
934. Then the gaoler was formally held responsible? Yes, in that way.
935. But you think he was not in substance responsible? No, because the clerk had the money and kept the key of the safe.
936. *By Mr. Morrice*: Who was in charge of the safe? The clerk.
937. How came you to break it open? He took the keys with him; I could not get the money, and I thought it was in the safe.
938. *By the Chairman*: In addition to those gentlemen who have given evidence of the fact that they have paid gaolers for bringing prisoners from the gaols down to Sydney on *habeas corpus*—are there any other gentleman who could testify to the same effect? Yes, I beg to hand in certificates to that effect from Mr. Maenish, Mr. Dawson, and Mr. Driver. I also hand a letter from Mr. Darvall, when Visiting Justice, giving the principal turnkey permission to get work done in the gaol. (*The witness handed in the documents referred to. Vide Appendix.*)

Mr. Thomas
Duke Allen.

2 Sept., 1863.

THOMAS DUKE ALLEN.

APPENDIX.

(To Evidence given by Mr. Thomas Barnes, 19 August, 1863.)

A. No. 1.

H. M. Gaol, Parramatta,
21 February, 1862.

Sir,

I do myself the honor to acknowledge the receipt of your letter of the 17th instant, enclosing a letter from the Sheriff, and containing a paper of accusations made by the prisoner named Hugh O'Donnell in the margin, against the gaoler.

2. With reference to the charge of cheating the Government, I do not see how the gaoler, who has no control over the money expenditure, and very little over the stores, can be daily cheating the Government in a dozen different ways. I have not seen nor heard anything to lead me to any suspicion of the kind.

With respect to the charge of bad treatment of prisoners, I may say that I visit the prison twice a week; once in every week notice is given to all the prisoners that I am ready to see them. After seeing all who come, I go round the yards, making a slight stay in each, to give another opportunity of speaking to me. Any charge of ill-treatment I should at once examine into, but such charges are not made.

3. I cannot say that, occasionally, men may not be able to shew bruises; but it is clear, when a man, in full health and strength, refuses to obey orders, and when the discipline of the gaol requires that he should be taken to the cells in consequence—it is clear that, in any such struggle between strong men, bruises will be inflicted; but certainly, in the cases I have seen, the aggregate bruises inflicted by the prisoners on the warders much exceed the bruises received, and naturally, for the prisoner's object is to punish, the warder's to secure.

4. With respect to gagging, it has been strictly forbidden for a long time, except under special circumstances, to be specially reported. It is fully three months since a case occurred; and, certainly, when one hears the flood of blasphemy and impurity which prisoners occasionally pour forth, it is desirable that there should be some means of stopping it.

5. I must beg, in conclusion, to point out that this man's accusations have been taken out of the usual course. It is a fixed rule in the gaol, and, I think, a good one, that no letter should leave the gaol until after having been seen by the gaoler. These accusations, however, have been permitted to be sent unseen by the gaoler; have been received by the Sheriff, who has visited the gaol twice since their reception, and has had the prisoner before him twice since he has made them. I cannot think that any business connected with a few of the prisoners—the "Cockatoo men"—can be of half the importance that the welfare of the whole is; and, therefore, I think the charges affecting the whole should have been proceeded with, whatever else was left undone; and I certainly should not permit any prisoner to make his own conditions as to the manner in which he would prefer his charge.

6. Mr. Allen has been subjected to many charges, but the number will be greatly increased if it shall be known amongst the prisoners that charges may be received against him, kept back nearly three weeks, and then sent to your office without examination or opinion.

The Honorable
The Colonial Secretary,
&c., &c.,
Sydney.

I have, &c.,
R. GREENUP,
Visiting Justice.

True copy.—T. BARNES, Clerk.

A. No. 2.

STATEMENT from the Officers of Parramatta Gaol to Mr. Uhr, High Sheriff, New South Wales.

Parramatta Gaol,
22 July, 1863.

Sir,

We beg most respectfully to submit the following facts for your consideration:—

We, with feelings of reluctance and regret, beg respectfully to state—

That the Visiting Justice of this gaol does not give us proper support in the execution of our duties, while we are endeavouring, to the best of our ability, to carry out the discipline and regulations of this gaol.

That the effect of his decisions between us and the prisoners has been such as to bring us into contempt in the eyes of the prisoners; has subjected us to personal violence at the hands of some of the most violent and evil disposed among them; and yet further, that it bids fair to end in bloodshed; in fact, we believe that our lives are in danger from the insufficiently restrained violence of a mob of ruffians.

To prove the truth and reasonableness of our statements, we beg leave to cite a case in point.

Some time since one of this mob had to be taken to cells by main force, when one of his mates behaved in a most violent and insubordinate manner, by calling out furiously to us, "You bloody dogs, if you lay a hand on that man you need never come into this yard again." That he was reported for this; that the charge was proved on oath by two warders; that he was let go unpunished; that three days after this he carried his brutal threat into execution on the person of Mr. Sheed; that when brought up for this a second time, he acknowledged his crime, and exulted in it; and that he further threatened

threatened us with yet further violence by saying, in the Magistrates presence, that he should serve every man of us the same way who should attempt to order him to work, or should interfere with him in any way, and that for all this his only punishment was *seven days solitary confinement*.

We further beg to state that our sole object in making the foregoing statements, is a firm conviction that we are bound to do so by the conditions imposed on us by the oaths we are sworn to.

That we have not been persuaded to do this by any of our number in particular, and that we have voluntarily, and of our own free will, begged that one of our number shall make and draw up the foregoing statement in writing from our united dictation.

Trusting that you will, with your usual kindness to us, give this your earliest attention.

We beg leave to remain,

Sir,

Your most obedient humble servants,

JAMES BIRCH.
FRANCIS SHEED.

JAMES ^{his} X CORNANE.

WILLIAM ^{mark} COLVIN.
ROBERT RAE.

FREDERICK PEGG.

JAMES RORKE.

ALLAN M'INNES.

WILLIAM M'BRIEN.

ALEXANDER ELLIOTT.

JOHN HILL.

OWEN CONNER.

HENRY HERGEST.

HENRY MATHER.

JOHN B. HILLIS.

JOHN PHILLIPS.

THOS. HARRISON.

My experience is that Dr. Greenup has always supported the gaol officers in the discharge of their duty. Calm courage will do much to meet this emergency.—Geo. UHR, Sheriff, 23/7/63.

(To Evidence given by Mr. T. D. Allen, 2 September, 1863.)

B. No. 1.

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.

W. K. MACNISH.

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 RAWSON.

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.

RD. DRIVER, JR.

B. No. 2.

Parramatta, 31 October, 1859.

Sir,

In reply to your request to be permitted to employ prison labour, I have the honor to inform you that, under certain restrictions, I will permit it.

The labour to be confined exclusively to the repairs of your clothing. The materials required for this you must provide yourself, and no new articles to be made for you by either shoemakers or tailors, but you are at liberty to have womens' needlework done for you by the female prisoners under the same regulations as any other person can.

This permission is not to be taken as a precedent, and I reserve the power of withdrawing it at any moment.

To the Principal Turnkey,
H. M. Gaol, Parramatta.

I have, &c.,
F. O. DARVALL, P.M.,
Visiting Justice.

1863.

NEW SOUTH WALES.

NAVAL PROPERTY.

(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.
(Circular.)

Downing-street,
20 March, 1862.

SIR,

It appears to have been the case in many of Her Majesty's Colonies that property conveyed for the purpose of being made available for Naval Services of the United Kingdom, has been conveyed, not to the Lords of the Admiralty as such, but to individuals, on whose death or abandonment of office a fresh conveyance would become necessary. This inconvenience has been represented to me by the Lords of the Admiralty, who have requested that I would communicate the enclosed Draft Bill to the Governors of Her Majesty's Colonies, in order that it may be submitted to the different Legislatures. I should wish you, in accordance with their Lordship's desire, to take such steps as may appear to you best calculated to procure the enactment, by the Legislature of the Colony, under your Government, of a law to the effect, and if possible in the terms suggested by their Lordships.

I have, &c.,

NEWCASTLE.

[Enclosure.]

A BILL for vesting all Estates and Property occupied by or for the Naval Service of the United Kingdom of Great Britain and Ireland in the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral of the said United Kingdom for the time being.

WHEREAS divers messuages lands tenements and hereditaments have been at various times purchased for the use of the Naval Service of the United Kingdom of Great Britain and Ireland and conveyed to several different persons in trust for Her Majesty and Her Royal predecessors and her and their heirs and successors and the same have been placed under the charge of the Commissioners for executing the office of Lord High Admiral of the said United Kingdom for the time being and it is expedient that the same and all other messuages lands tenements and hereditaments that may be hereafter purchased or in any manner used and occupied by or for the said service should be vested in the Lord High Admiral of the said United Kingdom or the Commissioners for executing the office of Lord High Admiral aforesaid for the time being.

Be it enacted as follows:—

1. From and after the passing of this Act all messuages lands tenements and hereditaments erections buildings and property whatever which have been conveyed to or are vested in any person or persons or are held or in any manner occupied by or in the name of any person or persons in trust for Her Majesty or Her Royal predecessors and her or their heirs or successors for the use of the Naval Service of the said United Kingdom or of any of the departments of or belonging to the said Naval Service by whatever mode of conveyance or by whatever title or for whatever estate or interest therein the same shall have been conveyed or be vested held or occupied together with the rights members easements and appurtenances to the same respectively belonging shall be and become and remain and continue vested in the Lord High Admiral of the said United Kingdom or the Commissioners for executing the office of Lord High Admiral aforesaid for the time being according to the respective nature and quality of the said messuages lands tenements and hereditaments and the several estates and interests of and in the same respectively in trust for Her Majesty Her heirs and successors for the public service.

2. From and after the purchase and conveyance grant or demise thereof all other messuages lands tenements and hereditaments which shall at any time or times hereafter be purchased taken held or occupied by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral aforesaid for the time being or by any person or persons by his or their order for the Naval Service of the said United Kingdom or of any of the departments of or belonging to the said Naval Service and all erections and buildings which shall then or may be thereafter erected or built thereon with the rights members easements and appurtenances to the same respectively belonging shall in like manner be and become and remain and continue vested in the Lord High Admiral of the said United Kingdom or the Commissioners for executing the office of Lord High Admiral aforesaid for the time being and his or their successors in the said office according to the respective nature and quality of the said messuages lands tenements and hereditaments and the several estates and interests of and in the same respectively in trust as aforesaid.

3. Upon the death resignation or removal of the present Commissioners for executing the office of Lord High Admiral of the said United Kingdom or any of them or of any future such Commissioners or of any Lord High Admiral of the said United Kingdom all such messuages lands tenements and hereditaments respectively shall become vested in and be held by the succeeding Commissioners for executing the office of Lord High Admiral aforesaid or the Lord High Admiral aforesaid as the case may be and so in perpetual succession according to the respective nature and quality of the said messuages lands tenements and hereditaments and the several estates and interests of and in the same respectively in trust as aforesaid.

4. In all deeds conveyances leases contracts and other instruments touching any estate property matter or thing relating to the Naval Service of the said United Kingdom or to any department under the control of the Commissioners for executing the office of Lord High Admiral aforesaid or whereto they or any of them shall be parties it shall be sufficient to describe them generally by the style and title of "The Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland" without expressing their names and all such deeds conveyances leases contracts and other instruments wherein the said Commissioners shall be so described and the execution or signature thereof by any two of them shall be as valid and effectual to all intents and purposes as if they or any of them had been expressly named therein and had executed or signed the same.

5. It shall and may be lawful for the Commissioners for executing the office of Lord High Admiral aforesaid for the time being or any two or more of them or the Lord High Admiral aforesaid to sell exchange or in any manner dispose of or let or demise any of the messuages lands tenements and hereditaments respectively which shall be vested in them under or by virtue of this Act with their respective appurtenances either by public auction or private contract and in due form of law to convey surrender assign or make over or to grant or demise the same respectively as the case may require to any person or persons who shall be willing to purchase or take the same respectively and also to do any any other act matter or thing in relation to any such messuages lands tenements and hereditaments which they or he shall deem beneficial for the public service in relation thereto or for the better management thereof which might be done by any person or persons having a like interest in any such messuages lands tenements or hereditaments.

6. It shall be lawful for the said Commissioners for executing the office of Lord High Admiral aforesaid for the time being or the Lord High Admiral aforesaid for the time being and they are hereby authorized and empowered to bring prosecute and maintain any action suit or other proceeding at law or in equity for recovering possession of any messuages lands tenements or hereditaments by this Act vested in them or him as aforesaid and to distrain or sue for any arrears of rent which shall have or shall become due for or in respect thereof under any demise from the said Commissioners or Lord High Admiral or any person or persons on their or his behalf or on behalf of Her Majesty and also to bring prosecute or maintain or to defend any other action or suit in respect of or in relation to the said messuages lands tenements or hereditaments or any trespass or encroachment committed thereon or damage or injury done thereto And that in every such action or suit the said Commissioners shall be called "The Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland" without naming them And no such action or suit shall abate by the death resignation or removal of such Commissioners or any of them or of such Lord High Admiral any law custom or usage to the contrary notwithstanding And the said Commissioners or Lord High Admiral shall be entitled to recover costs for and on behalf of Her Majesty where judgment shall be given for the Crown and shall be liable to pay costs where judgment shall be given against the Crown in any such action suit or other proceeding in like manner and subject to the same rules and provisions as though such action suit or other proceeding had been had between subject and subject.

1863.

NEW SOUTH WALES.

BLOCK-SHIP FOR THE DEFENCE OF THE HARBOUR
OF PORT JACKSON.

(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.

(No. 28.)

Downing-street,
19 March, 1863.

SIR,

I have to acknowledge the receipt of your despatch of the 21st October last, No. 97, with a minute from your Responsible Minister, requesting, on behalf of the Colonial Government, that one of the many line-of-battle ships now lying in ordinary in this Country might be placed at their disposal, to serve as a block-ship for the defence of the Harbour of Sydney.

As I was very desirous of affording every encouragement to the local Government in their laudable endeavour to protect themselves from attack from without, I lost no time in submitting this application to the Lords Commissioners of the Admiralty, for their favourable consideration, and in reply I received a letter, of which I enclose a copy, in which their Lordships informed me of the conditions upon which they were ready to make over to the Colony the "Brunswick," a small line-of-battle ship then lying at Devonport. 12 Feb., 1863.

The Lords Commissioners having, however, made it a stipulation that this vessel should be converted into an iron-cased battery, I directed further communication to be addressed to their Lordships, of which I also enclose a copy, for the purpose of eliciting further information on certain points without which your advisers would hardly have been in position to decide as to the acceptance of the "Brunswick," as well as for the purpose of ascertaining whether the stipulation above adverted to was to be considered as an indispensable one. To Admiralty
20 Feb., 1863

The Lords Commissioners have informed me, in reply, that as they considered an iron-plated vessel to be most desirable, they had offered the "Brunswick" on the condition that it should be so plated, and that if the Colony was not prepared to incur the expense of converting it, they should not be justified in giving a steam-ship, as such vessels would be useful in many other Ports both at Home and abroad. I am also informed that there would be no difficulty in sending out the iron plates to Sydney, and men to put them on.

The Lords Commissioners have, however, some sailing teak-built vessels of above 2,000 tons (an old 80-gun ship, for instance) which would be effective guard ships against any wooden vessels; one of which they would be willing to give to the Colony as it now stands if the Colony would be at the expense of fitting and armament, and such a vessel it is stated would be roomy and would take out a number of emigrants.

I transmit, for your information, an extract from a Report from the Colonial Land and Emigration Commissioners, in regard to the expense of sending out the "Brunswick" with emigrants. 21 Feb., 1863.

I trust that the information now placed before you will enable your advisers to decide between the two offers made by the Admiralty.

I have, &c.,
NEWCASTLE.

[Enclosures in the foregoing.]

Admiralty,
12 February, 1863.

Sir,

I have received and laid before my Lords Commissioners of the Admiralty your letter of the 6th instant, transmitting a copy of a despatch from the Governor of New South Wales, requesting that a line-of-battle ship may be placed at the disposal of the Colonial Government, for the protection of the Harbour of Sydney; and I am commanded to request you will state to the Duke of Newcastle, that there is at Devonport a small line-of-battle ship of 2,492 tons, fitted with engines of 400 horse power, which might be appropriated for the purpose; she was built in 1855 at Pembroke, and new boilers were put on board in 1860, since which she has not been at sea; her speed is about nine knots. This ship, the "Brunswick," if cut down and cased with 3-inch armour plates, and fitted with two cupolas carrying each two 6-ton guns, or one 12-ton gun, would prove a very formidable floating battery. Her draught of water would not exceed twenty-two feet six inches.

To rig and equip her as a second class frigate or large corvette would cost about £3,500. She is a ship which would be of service as a block-ship in the Home ports in time of war, but my Lords would be willing to transfer the ship to the Colonial Government at the above cost, and without any charge for the hull and machinery, on the understanding that the Colony will convert her, at their own expense, into an iron-cased battery, and defray the cost of taking her out to Sydney.

The Under Secretary of State,
Colonial Office.I am, &c.,
C. PAGET.Downing-street,
20 February, 1863.

Sir,

I am directed by the Duke of Newcastle to acknowledge your letter of the 12th instant, stating that the Lords of the Admiralty would be prepared, in compliance with the request of the Governor of New South Wales, to place at the disposal of the Government of that Colony the "Brunswick," a line-of-battle ship of 2,492 tons and 400 horse power; that the expense of rigging and equipping this vessel as a second class frigate or large corvette would be about £3,500; that if cut down and cased with 3-inch armour plates, and fitted with cupolas, she would be a formidable floating battery; and that the Admiralty are willing to transfer her to the Colonial Government, without any charge for hull or machinery, on the understanding that the Colony will convert her at their own expense into an iron-cased battery, and defray the cost of taking her out to Sydney.

With reference to the stipulation that the ship should be converted into an iron-cased battery, the Duke of Newcastle apprehends that great difficulty might be experienced in carrying that condition into effect in New South Wales. There are not, as His Grace believes, any iron manufactories in the Colony, and even if the iron plates were sent out from this Country, as is the case with the iron required for their railroads, it is doubtful whether there would be the means in the Colony of bending and fixing them. If, therefore, it is indispensable that the ship should be converted into an iron cupola ship, it would be necessary that she should be so converted before leaving this Country. But if that were done, it would probably not be thought safe, in the present state of our experience, to despatch such a vessel on so long a voyage as that to Australia.

But independently of these considerations, the expense of converting the "Brunswick" into an iron-plated cupola ship, would, His Grace apprehends, be very great, probably not less than £40,000 or £50,000, and it may be doubted whether the Colonial Government (which, it must be observed, has asked for a block-ship only—not for an iron-plated battery) would be prepared to encounter that expense. His Grace would, under these circumstances, request to be informed whether the Lords of the Admiralty consider it to be indispensable to stipulate that the "Brunswick" should be converted into an iron-cased battery, or whether she might not be made over to the N. S. Wales Government as a wooden block-ship, on the single condition that the Colony shall pay the expense of her equipment and of taking her out to Sydney?

If their Lordships should consent to this arrangement, some questions would still remain on which the Duke of Newcastle would request some further information. You state that to rig and equip the ship as a frigate or large corvette would cost about £3,500. As the "Brunswick" is an 80-gun ship His Grace presumes that, to convert her into a frigate or corvette, her upper deck must be taken off. He would be glad to be informed whether the expense of this is included in the above sum of £3,500, and if not what it would be likely to cost, and whether it is indispensable?

His Grace takes it for granted that the vessel would be sent out to Sydney, not as a man-of-war under command of an officer of the Navy, but as a merchant ship under command of an officer to be appointed under His Grace's authority. In that case he would be requested to be informed whether, in the opinion of the Lords of the Admiralty, a crew on the same scale as is usually adopted in merchant ships of the same size would be sufficient, or whether it would be necessary that the ship should have a larger crew?

In regard to the ship's armament, His Grace understands that the cost of it is not included in the £3,500 above referred to. In that case he would request to be informed whether, in the opinion of the Lords of the Admiralty, it would be necessary that the armament should be procured in this Country, what would be the probable expense of it, and from what department it would have to be procured?

In conclusion, it would be desirable to know how many days' coal the ship is capable of carrying.

I am to add that His Grace is anxious to be able to communicate with the Governor of N. S. Wales, on the subject, by the mail which is despatched, *via* Marseilles, on the 26th instant.

The Secretary to the Admiralty.

I am, &c.,
FREDERIC ROGERS.

EXTRACT of a letter from Mr. Murdock to Sir F. Rogers, dated 21 February, 1863.

In regard to the expense of the officers and crew to be appointed to her, there is some difficulty in forming a confident estimate. They will all have to be discharged at the end of the voyage, and it is not possible to calculate beforehand how many it will be necessary to provide with a passage Home. We have consulted Captain Lean on this subject, and I annex an abstract of the estimate he has supplied to us. That estimate gives the following result:—

					£
Wages of officers and crew .. .. .	..	..	..	..	2,561
Officer's mess .. .. .	..	..	..	..	350
Mess of crew .. .. .	..	..	..	..	470
					<hr/>
Total .. .. .	..	..	..	..	£3,381

To which is to be added the expense of rigging and equipping the ship, £3,500, and the expense, (perhaps) of taking off her upper deck and of providing her armament.

The

BLOCK-SHIP FOR THE DEFENCE OF THE HARBOUR OF PORT JACKSON. 3

The saving to be effected by sending out in her as many emigrants as she could properly carry, instead of sending the same number by ordinary merchant ships, would be as follows:—

<i>Expense of Provisions per adult.</i>		£	s.	d.
Water, &c., &c., &c. .. .. .	.. .. .	6	3	0
Do. of fittings .. .. .	.. .. .	1	1	0
Expense of ventilation .. .. .	.. .. .	0	6	0
Do. of boats (which in ordinary cases are supplied by the ship) .. .. .	.. .. .	0	12	0
Total.. .. .	.. .. .	£8	2	0

As the freight of ships to Sydney has latterly averaged about £14 6s., this would give a saving of £6 4s. a head; and as it would be safe to put 500 statute adults on board so large a vessel, the saving by sending them out in her, assuming that under any circumstances she is to be sent to the Colony, would amount to £3,100.

In the above calculations, I have also proceeded on the authority of Captain Lean.

I have, &c.,
T. W. C. MURDOCK.

Pay and Wages of Officers and Crew of the "Brunswick."

1 Master .. .. .	.. .. .	£	300
1 Chief Mate .. .. .	.. .. .	84	
1 2nd do. .. .. .	.. .. .	60	
1 3rd do. .. .. .	.. .. .	48	
1 4th do. .. .. .	.. .. .	36	
Steward and cabin servant, emigrant and ship's cooks, and boatswain ..	.. .. .	246	
4 Quarter-masters .. .. .	.. .. .	120	
Butcher and baker .. .. .	.. .. .	48	
70 A.B. seamen .. .. .	.. .. .	1,050	
		1,992	
1 Chief Engineer .. .. .	.. .. .	300	
2 Assistant Engineers .. .. .	.. .. .	225	
4 stokers .. .. .	.. .. .	20	
8 emigrants, employed as stokers .. .. .	.. .. .	24	
		2,561	
Mess for 10 officers, at 5s. a day per head, for 140 days .. .. .	.. .. .	350	
Mess for crew, 100 men at 11d. a day.. .. .	.. .. .	470	
		£3,381	

CAPT. WARD to COLONIAL SECRETARY, with reference to the foregoing Despatch.

Memo. on the question of a Floating Defence for the Harbour of Sydney, as raised in Secretary of State's Despatch, No. 28, of 19 March, 1863, and its Enclosures.

It appears that the Admiralty are prepared to give to this Colony, free of cost, the line-of-battle ship "Brunswick," fitted with engines of 400 horse power and a screw propeller, provided the Colony will undertake to coat the vessel with 3-inch iron plating, and pay the expense of her equipment and of taking her out to the Colony.

It is recommended by the Admiralty that this vessel be fitted with two of Captain Cole's cupolas, each to contain one 12-ton or two 6-ton guns. The cost of this is estimated at £40,000 or £50,000, and that of equipping and sending her out at £11,881, to which will perhaps be added the expense of cutting her down to a corvette, and the cost of her armament.

Altogether, then, the first outlay for this defensive weapon would be about £65,000. The cost of its maintenance in a serviceable state could hardly be less than £10,000 per annum.

The offensive and defensive power of the vessel may be stated as follows. Her steam power would admit of her taking up a defensive position in the vicinity of the Sow and Pigs channel, and of her following a vessel into any part of the harbour where twenty-three feet of water could be obtained; but under any circumstances she could hardly engage or keep at bay more than one vessel, for her armament would not be equal in power to that proposed for one of the forts recommended in my report of 3rd January last. On the other hand, her armour-plate could be pierced with ease by a shell from the 70-pounder naval gun at a distance of 200 yards, or from an 120-pounder Whitworth and Armstrong gun at a distance of 600 yards, and thus her machinery and screw could be damaged and rendered useless; she could also be captured by being boarded.

The protection that such a vessel could afford cannot, therefore, be compared with that obtainable from impregnable towers placed and armed as recommended in my report already alluded to, whilst the expense she would entail would probably be much greater than that of the scheme I have there proposed. I still adhere to the opinion I have before expressed, and for which I have given my reasons—that a floating defence for this harbour would be an unnecessary expense.

E. W. WARD.
28 May, 1863.

THE HONORABLE
THE COLONIAL SECRETARY.

1863.

NEW SOUTH WALES.

EXPENSE OF MILITARY DEFENCE.

(CONTRIBUTION OF COLONIES TO.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.
(Circular.)

Downing-street,
26 June, 1863.

SIR,

You are doubtless aware that the attention of Parliament has been frequently directed to the question, How far the Colonies and Dependencies of Great Britain should be required to contribute to their own military defence?

A matter of so great and increasing importance has, of course, equally engaged the consideration of Her Majesty's Government; and I find myself at length in a position to communicate to you the decision at which they have arrived in regard to the Australian Colonies.

It is in these Colonies (among which, for the present purpose, I do not include New Zealand) that the question arises in its simplest form. To Western Australia it is not intended to send any regular troops. The force in Tasmania, where the effects of the old system of transportation are not yet worn out, will be maintained for the present at the expense of the Home Government; and in the remaining Colonies of New South Wales, Victoria, South Australia, and Queensland, there are no exceptional circumstances to prevent the free application, on the part of the Home Government, of those principles which arise from or are correlative to the grant of responsible government.

That form of government being unequivocally established, it is, I imagine, admitted on all hands, that the Imperial Government has no further responsibility for maintaining the internal tranquillity of the country. Its obligations, therefore, to contribute towards the defence of Colonies in full possession of internal self-government, and unaffected by any exceptional circumstances of situation or population, is limited to the contingency of war and danger of war. But in the case of the Australian Colonies, free from the presence of formidable native tribes, and free also, as occupying a vast island, from the perils to which a land frontier exposes other communities, those obligations will always be in the main sufficiently discharged by Her Majesty's Navy, which must form, both in peace and war, the true Imperial contribution to the security and protection of Australia. With the Colonies themselves it must rest, to make such other provision as they may think expedient, for the defence of their own capitals and ports, in the way of local land forces, together with such fortifications, floating batteries, barracks, and similar works, as may be needed for the efficiency and accommodation of whatever troops may be raised in or sent to Australia. Her Majesty's Government, at the same time, are willing to continue to furnish a certain quota of Imperial troops, as a nucleus for such local forces, upon condition of a fair contribution from the respective Colonies towards their cost. It follows, therefore, to consider what should be the number of troops allotted, and what and how the Colonies should contribute. With respect to the first point, it has been the desire of Her Majesty's Government to frame such an arrangement as would be most likely to reconcile colonial convenience with the necessities of military discipline; and with this view they propose, in future, to allot to the Australian Colonies fifteen companies of infantry, consisting of one entire regiment and the head-quarters wing of another regiment, in the following proportions:—

COLONIES.	No. of Companies.	No. of Officers.	No. of Men.	Officers and Men.
New South Wales	4 and Head-quarters	about 19	340	359
Queensland	1	3	88	91
Victoria.. .. .	5 and Head-quarters	22	423	445
Tasmania	3	11	249	260
South Australia	2	6	166	172
TOTAL	15	61	1,266	1,327

The four companies in New South Wales, and the single company in Queensland, will probably be a wing of a regiment, of which the other wing will be in New Zealand. Another regiment will, in that case, furnish the ten companies in Victoria, Tasmania, and South Australia.

With regard to the mode and amount of the Colonial contribution, I have come to the conclusion that, in order to avoid the frequent controversies and discontents which have arisen under the present system, it should take the shape of a single annual payment, either fixed or capable of easy ascertainment, which will, of course, virtually include the "Colonial Allowance" hitherto provided. A fixed sum would be evidently unfair to the Colonies; for as it is impossible for Her Majesty's Government to guarantee under all circumstances a definite number of troops, it would be unjust to the Colony to require it to pay a certain sum for an uncertain advantage. I think, therefore, that the best course will be to require a stated annual sum, which it has been decided to place at £40 per annum, for every officer or soldier of Her Majesty's infantry on service in the Colony, calculated upon the average of the usual monthly returns.

Under this arrangement, the maximum payable by each Colony, including, for completeness sake, Tasmania, would be as follows:—

COLONY.	No. of Men.	Annual Payment.
New South Wales	359	£ 14,360
Victoria	495	19,800
South Australia	166	6,640
Tasmania	249	9,960
Queensland	88	3,320
Total	1,357	£54,080

In case the Imperial Government should allow these numbers to fall off, the Colonial contribution will be proportionally decreased. In case the Imperial Government should increase the force, for its own convenience, the Colonial contribution will not be increased beyond the maximum above stated. But in case the Imperial Government should, at the request of the Colony, send out any infantry in excess of the above number, or any artillery whatever, the annual payment in respect to this extraordinary assistance will be at the rate of £70 per man—a sum which more nearly approaches the real cost to the Imperial Government of each soldier.

If the different Colonies should accept these terms, it will rest with the Australian Governments to propose to their respective Legislatures, laws authorizing the Governor, with the advice of his Executive Council, to make monthly or quarterly payments to the Imperial Government, at the rate of £40 per annum upon the force employed there; such payments, however, not exceeding the respective maxima set forth in the above table.

I trust that this arrangement will meet the concurrence of the different Legislatures, and will have the effect, in the Colonies which it concerns, of settling, for some considerable period, this much-vexed question. I have only to add, that in cases in which it is accepted promptly, Her Majesty's Government will be ready to take a liberal course, in dealing with outstanding matters of dispute in respect to military expenditure.

I have, &c.,
NEWCASTLE.

1863.

NEW SOUTH WALES.

EXPENSE OF MILITARY DEFENCE.

(CONTRIBUTION OF COLONIES TO.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART., K.C.B.

(Circular.)

Downing-street,
27 July, 1863.

SIR,

I find in transcribing my Circular Despatch, of the 26th ultimo, relating to Military Contributions, an error has occurred in the second table, which forms a portion of that Despatch.

I have therefore to request that you will be good enough to rectify this error, so that the table may stand as follows:—

COLONY.	No. of Officers and Men.	Annual Payments.
New South Wales	359	£ 14,360
Victoria	445	17,800
South Australia	172	6,880
Tasmania	260	*10,400
Queensland	91	3,640
		£53,080

* NOTE.—This will be paid by the Imperial Government.

I have, &c.,
NEWCASTLE.

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1863.

NEW SOUTH WALES.

MILITARY AID TO NEW ZEALAND.
(DESPATCH RESPECTING.)

Presented to both Houses of Parliament, by Command.

GOVERNOR SIR GEORGE GREY to GOVERNOR SIR JOHN YOUNG, BART., K.C.B., G.C.M.G.

Government House, Auckland,

8 October, 1863.

SIR,

I beg, upon my own behalf, and that of my Responsible Advisers, to tender to your Excellency cordial thanks for the very valuable aid which you have been the means of rendering to this Colony at the present difficult crisis of its affairs; and to assure you that no unnecessary delay in the return of troops to New South Wales shall take place when the rebellion in New Zealand shall have been brought to a close, or if any exigency should arise in New South Wales which might call for their earlier return to that Colony.

I have, &c.,

G. GREY.

1863.

NEW SOUTH WALES.

DEFENCES OF THE CITY OF SYDNEY.

Presented to both Houses of Parliament, by Command.

MAJOR-GENERAL T. S. PRATT to HIS EXCELLENCY SIR JOHN YOUNG.

Head Quarters,
Melbourne,

3 February, 1863.

SIR,

I have the honor to forward, for the consideration of your Excellency and your Responsible Advisers, a report and plan of defence for Port Jackson and the City of Sydney, which has been drawn up, at my request, by the Honorable Captain Ward, Royal Engineers; as also a plan of Port Jackson to elucidate the same.

I also forward additional correspondence regarding cupola-shaped covered batteries.

In forwarding these documents, I have to express my high opinion of the schemes of defence proposed by Captain Ward, and the clearness and ability with which the report has been drawn up.

After considering the whole matter I have come to the conclusion that, if your Excellency's advisers are willing to provide for the expense, the Scheme No. 2, and marked "B" in the Appendix is that which would be most desirable for the defence of Port Jackson and the City, and would offer at least a reasonable degree of security against any attack likely to be made.

I am at the same time bound to state that an officer of the highest rank and talents, General Sir John Burgoyne, has given his opinion *in re* Victoria, that provision of defence should not be confined to the harbour and city, but extended so as to meet the landing of a body of hostile troops; and whilst not entirely agreeing with this view, and considering that the mode of defence now pointed out is what is more imperatively called for, certainly at first, and though coinciding to a certain extent with Sir William Denison, as stated in his Report in 1855, regarding the improbability of an attack by land, still I cannot conceal from myself that, if the internecine war in America was suddenly to cease, there would be hordes of armed men, with lawless habits, without employment, ready to make an aggressive movement wherever, as in a gold country, sufficient inducement was apparent.

I have, &c.,

T. S. PRATT,

Major-General Commanding.

Royal Mint, Sydney, 3rd
January, 1863, with Plan
attached.
D. A. General's Office,
Melbourne, No. 63-31,
17th January, 1863.
Captain Ward, R.E.,
reply, dated Sydney,
23rd January, 1863.

[Enclosures in the foregoing.]

Royal Mint, Sydney,
3 January, 1863.

To Colonel Carey, C.B., Dep. Adjutant General.

Sir,

I have the honor to forward, for the information of the Major General Commanding, my Report on the Defences of the City of Sydney and the Harbour of Port Jackson, as requested in your letter of 3rd July last.

The preparation of this Report was delayed, I hope not unnecessarily, until I had obtained the result of the trials which have been recently made in England to determine the comparative value of heavy guns and armour-plated ships.

As the Major General may not be aware that the defence of this City and Harbour has already received a large amount of consideration, I will in the first place state what has been designed and what carried into execution with that view.

Colonel Gordon's
project of de-
fence.

In 1848 Colonel Gordon, Royal Engineers, submitted for the defence of the harbour a plan which comprised—

A work for thirty guns, on the Inner South Head.

A work with the same armament, for the Middle Head.

A casemated tower, with nine guns in two tiers, on the Sow and Pigs.

A work for six guns, on Bradley's Head.

A Martello tower with two guns, for Pinchgut, now Fort Denison.

An open work for six guns, on Dawes' Point.

Its object.

On this project of defence Sir John Burgoyne, Inspector General of Fortifications, remarked that it comprehended merely the prevention of enemies' vessels making use of or entering Port Jackson; and it is evident that such was the main object of it.

Decision of the
Executive Coun-
cil regarding it.

On the project being submitted for the approval of the Executive Council, they recommended the completion of the works for the Inner South and the Middle Heads, as those in their opinion of the greatest importance; but before any substantial progress had been made, the price of free labour had risen to such an extent as to render impossible the construction of these works for a sum less than £94,000.

Sir William
Denison's pro-
ject.

In this position, and at the beginning of the year 1855, the defence question was taken up by Sir William Denison, R.E., Governor General. He pointed out that the omission from the project of defence already described, of one of these works, of which each was designed to assist its neighbour as well as to contribute to the general defence, would be fatal to the operations of the whole; and that if it should be decided to adopt the scheme proposed by Colonel Gordon, it should not, with reference at all events to those works which would afford a mutual support, be carried out piecemeal, as had been advised by the Executive Council.

He however recommended, as the better course, the completion of those works which would protect the anchorage in front of the town, and the postponement of the more expensive works at the Heads until a future period, supporting his recommendation with the following arguments:—

Argument in
support of it.

1. That no attack need be apprehended from a fleet having troops on board in sufficient number to warrant an attempt to land and carry on operations against the city, with a view to take possession of it and the Colony, as he was not of opinion that any nation would have the hardihood to attempt this whilst New South Wales remained a portion of the British Empire.
2. That the attack to be anticipated is one from a number of frigates without troops, or from a few frigates and privateers, having in view to destroy the shipping, or to lay the city under contribution. If the attacking force were large, a portion would engage the batteries at the Heads, whilst the remainder would push on at once for the town; if small, the whole would probably attempt, and without receiving material damage, succeed in the attempt, to run past the outer batteries in the night. In either case the inner works would be insufficient for the protection of the anchorage, and the town be placed at the mercy of the attacking force.
3. That for the forts at the Middle and Inner South Heads, it would be necessary during time of war to maintain permanent garrisons of sufficient strength to work all the guns mounted, and to resist any attempt that might be made to take the forts by escalade.
4. That for the inner batteries no such precaution would be necessary, as trained volunteers, police, and sailors from ships in harbour, would, in connection with the regular military force, work the guns and defend the batteries in case of assault.

Concurred in by
Colonel Barney,
and carried out.

Colonel Barney, for some time Commanding Royal Engineer on this station, having expressed his concurrence in these views, the amended scheme was submitted for the approval of the Legislature, and subsequently carried into execution.

Existing works.

The works which have been constructed for the defence of the city and anchorage are—

1. *Dawes' Battery*.—Consisting of an upper semi-circular earthwork, armed with five 42-pounders, mounted *en barbette* on traversing platforms; and a lower earthwork, of the character of an indented line, with a ditch in front, armed with fifteen 32-pounders, of which two are mounted *en barbette* on traversing platforms, and thirteen on standing carriages in embrasures.
2. *Kirribilli Point Battery*.—A work built of masonry on the water's edge, armed with five 8-inch guns on traversing platforms.

3. *Fort Denison*.—A work in masonry, situated on the water's edge, in the midst of the harbour. It consists of an open line or face, flanked on the north by a tower or keep. On the face are nine 32-pounders, in embrasures mounted on dwarf traversing platforms, and two 10-inch guns mounted *en barbette* to sweep the harbour on the south flank of the battery. Within the tower are three 32-pounders on standing carriages, and one 12-pounder carronade. On the top of the tower is an 8-inch gun, *en barbette*, on traversing platform.
4. *Macquarie Point Battery*.—A simple line or face of earthwork with a ditch in front. It is pierced with eight embrasures, and designed for an armament of eight 32-pounders, and two 10-inch guns; the latter mounted *en barbette*, one at each extremity of the battery.
5. *Fort Macquarie*.—Consisting of an inner quadrangular work, approachable through a tower and over a drawbridge, and an outer face or flank; the whole on the water's edge. The former work is armed with eight 24-pounders *en barbette*, on traversing platforms, and three 24-pounders in embrasures, on standing iron carriages. The outer work contains five 42-pounders on dwarf traversing platforms, placed in embrasures.

The degree of defence which these works, adequately armed and manned, are capable of affording, may be gathered from the opinions of naval and military officers who have been consulted on the point. Defensive power of existing works.

In 1855, Sir William Denison considered that any vessel which should bring her broadside to bear on batteries so arranged would be raked fore and aft by the others, and that were she to pass by the outer batteries, and bring up in front of the town she would be exposed to the raking fire of the battery on the North Shore, whilst Fort Macquarie and Dawes Battery would bear on her broadside, and musketry from the shore would sweep her decks. In fact she would be in such a position that half an hour's firing would render her a complete wreck. If she sheltered herself under Garden Island for the sake of throwing shells into the town, though it is not likely a vessel would run the risk of being cut off for the sake of doing such gratuitous mischief, a few guns placed in position behind any slight cover on the shore of Elizabeth or Rushcutter's Bay, would render her position untenable.

Commodore Loring, Royal Navy, in a minute, dated 31 July, 1859, stated his opinion that the batteries then erected were quite sufficient to protect the place from the attack of one or two frigates or privateers. He stated, moreover, that with six good batteries in Sydney Harbour, seven proportionably good ships would be warranted in entering and attacking them.

Coloney Barney, R.E., was of opinion, in August, 1859, that the existing batteries, properly manned, would be a sufficient protection to the city of Sydney against the direct attack of any naval force purposing to lay the city under contribution. He, however, apprehended that the city might be shelled with impunity from behind Bradley's Head, from which it is distant 3,500 yards.

Though the existing batteries were then considered so effective, yet, with a view of strengthening the weakest points, Sir William Denison subsequently suggested the erection of a closed work on Garden Island. Its armament to be three or four heavy Armstrong guns, and its object, the protection of the anchorage of Woolloomooloo Bay, as well as of that of the Harbour generally. He also advised the construction of a wet ditch, to separate the battery at Kirribilli Point from the mainland, and thus to strengthen it against assault in rear. At a later period I had the honor, in a joint report with Captain Lovell, R.A., to recommend the execution of some additions to existing works, of which a portion has since been carried out; and, yet more recently, the erection of a closed work on Clark Island, to carry three heavy Armstrong guns, which would command the channel and harbour as far as the Sow and Pigs shoal, and render impossible the bombardment of the town under the shelter of any bay on the North Shore.

Such are the works which, up to the present time, have been carried out or designed for the defence of the harbour and entrance of Port Jackson.

It will be seen that the original design was to prevent the entrance of an enemy within the harbour; but as that required an expenditure in the construction of works, as well as the maintenance of a considerable force of artillery exclusively for their defence, which the Executive Government of the day were not disposed to sanction, or to recommend to Parliament, it was, I think wisely, if not necessarily, postponed in favour of a design for the defence of that which more immediately required protection, viz., the city and the anchorage adjacent to it. Existing defences compared with original design.

The positions which have been occupied for the latter purpose have, I consider, been well chosen, and the works which have been constructed, dependent as they were on the sum disposable, or likely to be voted for military defence, are the best that could have been designed to meet the description of attack considered probable. The original design would have cost in execution nearly £200,000. The existing defences have been constructed for £73,000.

The works proposed for Garden and Clark Islands, recommended with the same view, have in some degree been rendered necessary by the improvements which have lately been made in weapons of war and means of defence. They will defend those parts of the anchorage within range of the city which are at present unprotected; they will afford a flank defence to the batteries most exposed to attack from the water; and so materially strengthen the existing defences as to secure the city against any probable attack from timber-built vessels of war.

As the ability of batteries on shore to resist for any length of time the attack of a man-of-war has been often questioned in these Colonies, it may be as well to draw attention to the opinions of perhaps the highest authority on the subject. Opinions of Sir John Burgoyne as to the relative power of ships and batteries.

From

From the published opinions of Sir John Burgoyne, it may be gathered, that a battery on shore capable of being silenced by a ship's guns must be one that is on a level with them, or nearly so, and approachable within a short distance and for a long period, *unopposed by guns from other batteries*. When the guns in battery are raised so much as fifty feet above the level of the water they are but little exposed to the fire from shipping, and if, in addition, every position within the distance of 500 or 600 yards is well commanded by the guns from other batteries, the reduction of the work by the fire of any one ship is practically impossible. Sir John Burgoyne, moreover, states, that "the whole of the ammunition of a live-of-battle ship, opposed and firing rapidly, would hardly breach a good wall at a distance exceeding 300 yards."*

The disadvantages under which ships labour when contending with batteries are thus stated by the same officer :—

1. Their exposure to fire, which they can only return very imperfectly during the act of taking up their position.
2. They must always be subject to more or less movement that will affect the precision of their fire.
3. The men serving guns on board have not such good means of judging their distances.
4. The large proportion of shot and shell that may strike a battery without doing any essential injury, whilst hardly any can hit a vessel without being very destructive.
5. The susceptibility of ships to total destruction by red hot shot, and incendiary means in general.

On the other hand, the advantages of men-of-war are—

That they can be taken from position to position, concentrated or dispersed in any degree required, so that each battery, if unsupported, must be capable of opposing the entire floating force at the disposition of the enemy.

Steamers possess the following advantages over sailing vessels :—

1. A superior power of selecting their position.
2. The great rapidity with which they may run over any distance.

Their direct power of contending with batteries is small. Though they can select their distances, they have no means of judging them, or of correcting their practice by observed effects, in both which particulars the gunners on shore would possess a decided advantage. Then steamers are more vulnerable than ships, on account of their machinery. The introduction of heavy guns is considered by the same officer a more powerful acquisition for coast batteries, in opposing shipping, than that of steam vessels on the other side.

Alluding to the bombardments of Algiers and of Acre by the English, and of St. Juan De Ulloa and of Mogador by the French squadrons, he thus accounts for their success :—

"At Algiers the "Queen Charlotte" laid for upwards of six hours within sixty yards of the main battery, silencing most effectually what was immediately opposed to it, but exposed, within a moderate range, to the rest of the place. Had a single unopposed heavy shell gun, or a gun served with red-hot shot, been brought to bear steadily on that magnificent ship, *which might easily have been the case*, she would have been destroyed in half the time. Nor could she have taken up that destructive position at all had she been opposed in advancing to it; but not a shot was fired till she took her station and opened with her broadside upon the pier, on which were hundreds of people at the time, looking on, without suspicion as to what was going to happen.

"At Acre, also, the ships were allowed to take up their positions within 600 or 700 yards of the batteries unmolested, thus escaping a most critical period of danger.

"There were no traverses to protect the very long lines from enfilade; no skill shown in the positions or in procuring cover for the guns, and far from any spirit exhibited in their service. Had the garrison been British or French, and with a very few days for previous preparation, Acre would never have been so taken; but on the contrary, with the means and extent of that place, there cannot be a doubt but that the fleet would have suffered dreadfully had it persevered in the contest for the time it did.

"Considering the amount of ammunition expended, the damage done to the walls the guns and the garrison, exposed as they were without ordinary precaution, was comparatively very small; the explosion of a large magazine must equally be attributed to want of arrangement. It must be considered highly disgraceful to the defenders of works of the extent of Algiers and Acre, that large ships should be able to lay within a few hundred yards of them *for several hours* with so little injury.

"Nor was there anything in the attacks of St. John de Ulloa and Mogador by the French squadrons, although successful, to prove in any greater degree a real power in ships to contend with forts *properly defended*.

"In noticing these cases where ships have reduced land defences, we must not forget that the instances are rare, while they are innumerable where batteries have made themselves respected by ships from the original Martello Tower in Corsica, which, with a single 24-pounder or two 18-pounders, occasioned so much loss to a line-of-battle ship and frigate."

Estimating by this experience the defensive power of the batteries in the harbour, it is to be remarked that there is not a single battery against which a man-of-war can take up a position within 500 or 600 yards unopposed by guns from other batteries. The whole of the water within that distance of Fort Denison is protected, or capable of being so,
by

Defensive power
of existing
works.

* This opinion was given before the introduction of rifled cannon.

by some twenty guns. There is no position from which a man-of-war can attack Kirribilli Fort that is not within the effective range of fifteen guns of other forts. Fort Macquarie is everywhere protected by the twenty guns at Dawes' Point, and can be further assisted by the guns from the work proposed for Garden Island. Macquarie Point Battery is equally defended. The flank of Dawes' Battery, its only assailable point, can be defended from the work proposed for Garden Island, from the gun on the tower at Fort Denison, from that on the west flank at Macquarie Point Battery, and from four or five guns at Fort Macquarie. The works proposed for Garden and Clark's Islands would, I consider, be almost invulnerable to ships, as they would be above the level against which men-of-war can act with effect, and by their construction practically unexposed to shipping.

As I believe there is no probability of the Colony being called on, for a considerable time to come, to resist, unsupported by the British navy, a greater force than two or three timber-built frigates, I should have contented myself with recommending the speedy execution of the works already advised, had not new light been recently thrown on the question of defence by the discoveries of Sir William Armstrong and Mr. Whitworth, and by experiments at Shoeburyness. These appear to have shown that the expenditure in material, which has already been advised, to place the harbour in a defensible state against timber ships would, if incurred in the construction of iron-cased forts and the purchase of a few heavy rifled guns, render the harbour untenable to the stoutest iron-cased ship that can be trusted on the ocean; and that the batteries required for this purpose could be manned by one-sixth the number of men that are necessary for the defence of the existing works. The following are the facts upon which these conclusions are based:—

Neither the 68-pounder, 95 cwt. naval gun, nor the 110-pounder Armstrong rifled gun, is capable of producing any sensible effect on $4\frac{1}{2}$ -inch cast iron, backed with teak or granite. Yet these are, in the opinion of naval men, the heaviest description of ordnance which a vessel of war can carry or work with effect. Recent discoveries applicable to defences.

A 12-ton gun with a smooth bore, loaded with a spherical shot 156 lbs. weight, and with 40 lbs. or 50 lbs. of powder, can completely destroy such iron sides as those of the "Warrior" and "Black Prince," from a distance of 200 yards. It is also estimated that it would require plates $7\frac{1}{2}$ inches thick to resist such a shot.

A rifled shot 300 lbs. weight fired from same gun rifled, a 300 lbs. spherical shot from a 22-ton smooth bore gun, or a 600 lbs. rifled shot from a 22-ton gun, will produce the same effect at 1,000 yards if fired with 50 lbs., 80 lbs., and 46 lbs. of powder respectively. Ascertained power of rifled guns.

Lastly, a 600 lbs. rifled shot discharged from a 22 ton rifled gun with 60 lbs. of powder, is calculated to pierce the sides of the "Warrior" at a distance of 2,000 yards, It is also admitted by the Commissioners who reported in May last on the National Defences of Great Britain, that "in a short time guns will be produced of sufficient power to penetrate at a considerable distance the heaviest armour plate that is compatible with sea going vessels."

As regards the effect of shells against iron sides, a 12-pounder shell from Whitworth's light 12-pounder gun has been sent through 2 inches of cast iron backed with oak 1 inch thick. A 70-pounder Whitworth shell will pierce 4 inches of iron at 200 yards. A similar shell weighing 131 lbs. has been sent through $4\frac{1}{2}$ inches of iron at 600 yards.

These considerations tend to make the defence of this City against any attack by sea a comparatively simple and inexpensive matter. To use the words of the Commissioners, "They tend to shew that in all probability the relative value of forts as opposed to ships will be gradually increased. The fort may be made impregnable and practically invulnerable, and can carry guns of any size; it can be constructed so that its fire cannot be silenced by that of a ship, while the latter, to the thickness of whose armour there is a limit, is liable to be sunk by the guns of a fort, the distance at which this can be done being dependent on the power of the gun. The fixed floor of the fort, moreover, enables full effect to be given to the advantages which are derived from the precision of the fire of rifled guns, while the want of a steady platform seriously diminishes the accuracy of the fire which can be obtained from such ordnance."

Applying these facts and conclusions to the defence of the city, I would recommend such a modification in the design of the works proposed for Garden and Clark's Islands as would make each unassailable by an attack from boats, invulnerable to the heaviest ordnance which a man-of-war could carry or work with advantage, and at the same time capable of carrying one 600-pounder and two 300-pounder Armstrong rifled guns. The invulnerability could be secured by the substitution for all exposed masonry, of $4\frac{1}{2}$ inches or 5 inches of cast iron,* backed by teak and masonry, and the other essentials by a small modification in the tracing of the works. Modifications suggested in consequence.

These two works would be sufficient to protect the harbour from the South Head to Miller's Point. A similar work on Goat Island would protect Darling Harbour and the anchorage off Ball's Head, Snails' Bay, and Berry's Bay; and one gun placed at Fort Phillip would render impracticable the occupation of Sydney Cove, Farm Cove, Lavender Bay, or Johnson's Bay.

These ten guns, which could be manned by one Company of Artillery, would render more service to the defence than the whole of some eighty in number which now occupy the several forts, and which could not be manned by less than 800 trained artillery. They would, I believe, render untenable to an enemy any portion of the harbour from which the city could be assailed, and, if made secure against capture by assault, they could hard be silenced or subdued.

If

* Perhaps 10 inches would be better, as a provision against discoveries which may yet be made.

If this proposal were carried out, I would recommend the removal of the guns from Fort Denison and Kirribilli Point, as these are positions of little value in the present state of defensive science, and only defensible by a force which the Colony is not disposed to maintain. The works at Dawes' Point, Fort Macquarie, Mrs. Macquarie's Point, being on the Sydney side of the harbour, might be provided with serviceable magazines, but in other respects be left as they are. They might probably prove useful as a subsidiary means of defence, though they are not of sufficient comparative importance to justify any large expenditure upon them. Indeed, it may ultimately be found desirable to dismantle a portion even of these works.

Value of floating defence considered.

As floating defences have sometimes been proposed for the harbour, it may be as well to compare their value with that of those now proposed.

The general question of floating *versus* fixed defences is stated by the Commissioners who reported on the National Defences to rest on the following considerations:—

When forts, designed for the protection of a harbour, must of necessity be placed so far apart as to be unable to bring an effective fire on the whole of the space intervening between them, it may be necessary to have recourse to a floating defence. This may be kept either anchored or moored within range of the guns of a fort; or if strong enough, be allowed to act independently. If, on the other hand, forts can be so placed as to be capable of inflicting serious damage upon ships in any part of a harbour, the defence may be provided for by forts alone.

The expense of maintaining a floating defence in an efficient state is an obvious objection to its application. Estimating its first cost per gun as not greater than that of a fort, it would require renewal in twenty-five years, and an annual expenditure of 7 or 8 per cent. for maintenance. The fort would require no renewal, and the expense of its annual maintenance would be trifling.

Recent experiments have shown that guns can be constructed which can smash the thickest coating of iron that can be put on a floating defence, whilst forts can be made invulnerable to the heaviest armaments which a vessel of war can carry.

Great facility is attainable, by hydraulic and other machinery, for aiming at, and following from shore a ship in motion, whilst it has yet to be proved whether on board ship it is possible to work with advantage, or to aim with precision, a piece of ordnance heavier than the 110-pounder rifled Armstrong gun, a piece utterly powerless against vessels of the "Warrior" class.

On examination of the chart of the Harbour of Port Jackson, it will be seen that forts, in the positions I have proposed, will command within a range of 2,500 yards every anchorage from Chowder Head to the extremity of Darling Harbour; and within the power of an Armstrong or Whitworth gun, every anchorage as far as Middle Head, with the exception perhaps of a small portion of Rose Bay and Watson's Bay. It is therefore obvious that a floating defence for this harbour is altogether unnecessary.

Floating defence not required for harbour of Sydney. Nor steam rams.

It is not probable that any advocate will now be found for vessels of the "Monitor" or "Merrimac" class to defend a harbour like that of Port Jackson. It has been shown by experiments, that however useful these vessels may have proved against timber ships, their armour is easily penetrable by a heavy shot. They were not sea-going vessels, the "Monitor" having in rough weather shipped a sea down her funnel. Their crews were housed so low as to be nearly suffocated during action. They were vessels extemporized for an occasion, and altogether unsuitable as models for defence.

Work proposed for South Head.

It has sometimes been proposed for the defence of Sydney, to complete the works originally recommended for the Middle and South Heads, on the ground that it is better to keep an enemy out of the harbour than to engage him within it.

Though I cannot recommend such a course, inasmuch as it has been admitted by the highest military and naval authorities that no amount of practical firing can be depended on to stop the passage of vessels, more especially of steamers at full speed, up a clear channel, yet I believe a tower with one or two guns might with advantage be placed on the South Head, to engage an enemy whilst rolling to the swell of the ocean generally prevalent at the entrance. This, however, can only be considered a subsidiary work, and of little importance as compared with those already proposed.

Value of existing defences manned by existing force.

Having described the additions which I consider necessary to enable an effective resistance to be made to the attack of two or more timber-built frigates, or a proportionate force of privateers; having also detailed the modifications which the recent discoveries and experiments in artillery render desirable; I will finally state what course I conceive should be pursued by the Executive Government, should the Legislature be indisposed to vote any further expenditure on works of defence.

The force of Artillery at present available for manning the existing defences consists of—

Royal Artillery	...	...	...	...	45
Volunteer Artillery in Sydney	...	...	...	...	258
Do. at Newcastle	...	...	...	...	52
					355

Two hundred of these men would be required for the guns at Dawes' Battery, one hundred for those at Mrs. Macquarie's Point, leaving but fifty-five to work the armament at Fort Macquarie. It is evident, therefore, that Fort Denison and Kirribilli Battery must, at the approach of an enemy, be at once abandoned. Unsupported by the flanking fire of the three forts on the Sydney side of the harbour, these isolated and open batteries could not hold out for any length of time against a man-of-war. Supported they cannot be, if they are themselves to be

be

be manned, the available force being insufficient. The effective works of defence, at the present moment, consist therefore of three batteries. These may be considered of but little service, being but capable at most, even if well secured from assault by a land force, of engaging on equal terms any timber-built man-of-war that may be bold enough to approach within range, without availing itself of the shelter of Garden Island or of any bay on the North Shore.

Unless, then, it be the intention of the Government to increase the artillery force, it would be better, I conceive, to transfer the guns from Fort Denison and Kirribilli, some to Fort Macquarie and others to Fort Phillip. The former position would be strengthened by this arrangement, and the latter rendered capable of protecting the waters of Darling Harbour, as the guns placed there would be served by the men from Dawes' Battery, the utility of which would cease as soon as the enemy had run past its northern flank.

The comparative cost of the three proposals submitted may be taken to be as follows:—

Comparative Cost of Proposals Submitted. (For details see Appendices.)	Further Expenditure required.	
	First Outlay on Work.	Further Annual Outlay in maintenance of Artillery Force.
To place the Harbour in a state—		
* 1.—To resist an attack from timber-built frigates	£70,770	£30,000
† 2.—To resist the attack of an equal force of iron-cased ships	£77,000	Nil.
3.—To resist the attack of any single vessel that may occupy an exposed position in the harbour, between Fort Denison and the end of Darling Harbour ..	£2,000	Nil.

* Appendix A.

† Appendix B.

A chart of the harbour, shewing the position of the existing and proposed works, accompanies this report.

I have, &c.,
E. W. WARD, Captain, R.E.

APPENDIX.

A.

ESTIMATED Cost of defensive Works, Additions, and Alterations, necessary to place the Harbour in a position to repel the attack of two hostile timber-built Frigates, or any proportionate number of Privateers.

<i>Dawes Battery—</i>	
5 Armstrong 110-pounder guns, at £700 each	£3,500
13 dwarf traversing platforms, for guns on lower battery	1,800
New magazine	1,100
<i>Kirribilli Point Battery—</i>	
A wet ditch with scarp wall, to protect the battery from assault, as proposed by Sir William Denison, including purchase of land	8,000
<i>Fort Denison—</i>	
Navy slides for 32-pounders in tower	100
<i>Mrs. Macquarie's Point Battery—</i>	
Two 32-pounder guns	300
8 dwarf traversing platforms	1,200
New work, magazine, ditch, and barracks, for 100 men, as proposed by Sir William Denison	10,000
<i>Fort Macquarie—</i>	
Dry magazine for 200 barrels	300
Dwarf traversing platforms for guns firing through embrasures	450
Repair of existing platforms	750
Traverse for north face	270
<i>Garden Island—</i>	
A work with three 100-pounder Armstrong guns, as designed by Sir William Denison, including price of guns at £700 each	20,000
<i>Clark Island—</i>	
A tower for three heavy guns, surrounded with ditch, of design already submitted, including price of guns	23,000
Total	£70,770

N.B.—The above figures are chiefly from the estimate of the Colonial Architect.

To effectually man these works in case of attack, a force of 660 artillery would be required, or 310 beyond the existing force. Estimated cost of their maintenance, £30,000.

B.

ESTIMATED Cost of placing the Harbour in a state to resist the attack of two or more iron-cased Frigates of the "Warrior" class.

3 towers, each to carry one 600-pounder, and two 300-pounder rifled Armstrong guns, including price of guns	£75,000
Repairs of magazines to existing batteries on south side of harbour	2,000
	£77,000

N.B.—The present force of artillery would be ample to man the defences herein proposed.

C.

C.

PROPOSED disposition of Ordnance now in the Colony, or ordered from England, to place the Harbour in a position to repel the attack of timber-built Frigates, &c.

Existing Works.	Serviceable against Shipping.						Unserviceable.		
	110-pr., Armstrong.	68-pr., 95 cwt.	10-in., 87 cwt.	8-in., 65 cwt.	42-pr., 84 cwt.	32-pr., 56 cwt.	24-pr., 50 cwt.	6-pr., 23 cwt.	12-pr., carronade.
Dawes' Point	5	..	..	..	..	15	..	..	..
Fort Macquarie .....	..	..	..	..	10	..	11	6	1
Fort Denison .....	..	..	2	1	..	12	..	..	1
Mrs. Macquarie's Battery .....	..	..	2	..	..	8	..	..	..
Kirribilli Point .....	..	..	..	5	..	..	..	..	..
Garden Island	3	..	..	..	..	..	..	..	..
Clark Island	2	1	..	..	..	..	..	..	..
	10	1	4	6	10	35	11	6	2
	85								

Of the above, 66 guns, or the number serviceable against vessels of war, would require to be manned simultaneously on the approach of an enemy.

*D. A. General's Office,
Melbourne, 17 January, 1863.*

Sir,

I am directed by the Major General to thank you for your scheme for the defence of Port Jackson and City of Sydney, which appears to him to be comprehensive, and very suitable for the circumstance.

The Major General before submitting it to His Excellency desires me, however, to ask, if you have taken into consideration the advantages that are proposed to be derived from cupola-shaped batteries, from which much saving in men may be anticipated.

I am to request you to favour me with as early a reply as possible on the matter.

I have, &c.,

R. CAREY,

Lieut. Col.,

D. A. General.

The Honorable Capt. E. W. Ward, R.E.,
Sydney, New South Wales.

*Sydney, New South Wales,
23 January, 1863.*

Sir,

I have the honor to acknowledge the receipt of your letter of the 17th instant, inquiring, by desire of the Major General Commanding, whether, in reference to my scheme for the defence of Port Jackson, as submitted in my letter of the 3rd instant, I have taken into consideration the advantages which are proposed to be derived from cupola-shaped covered batteries.

In reply, I have the honor to remark that, though I am aware to some extent, of the advantages which batteries so covered are held to possess, I am not disposed to recommend the application of the cupola cover to the batteries I have proposed. Situated, as these will be, from 50 to 80 feet above the level of the water, they will be above the level against which vessels of war can act with effect. And though, notwithstanding, some loss of life may result from the disuse of cover; an almost unlimited range from right to left, and unrestrained and independent action for each of the powerful guns proposed to be employed, are, in my opinion, aggressive advantages superior to any that would result from the preservation of a few lives or limbs.

I have, &c.,

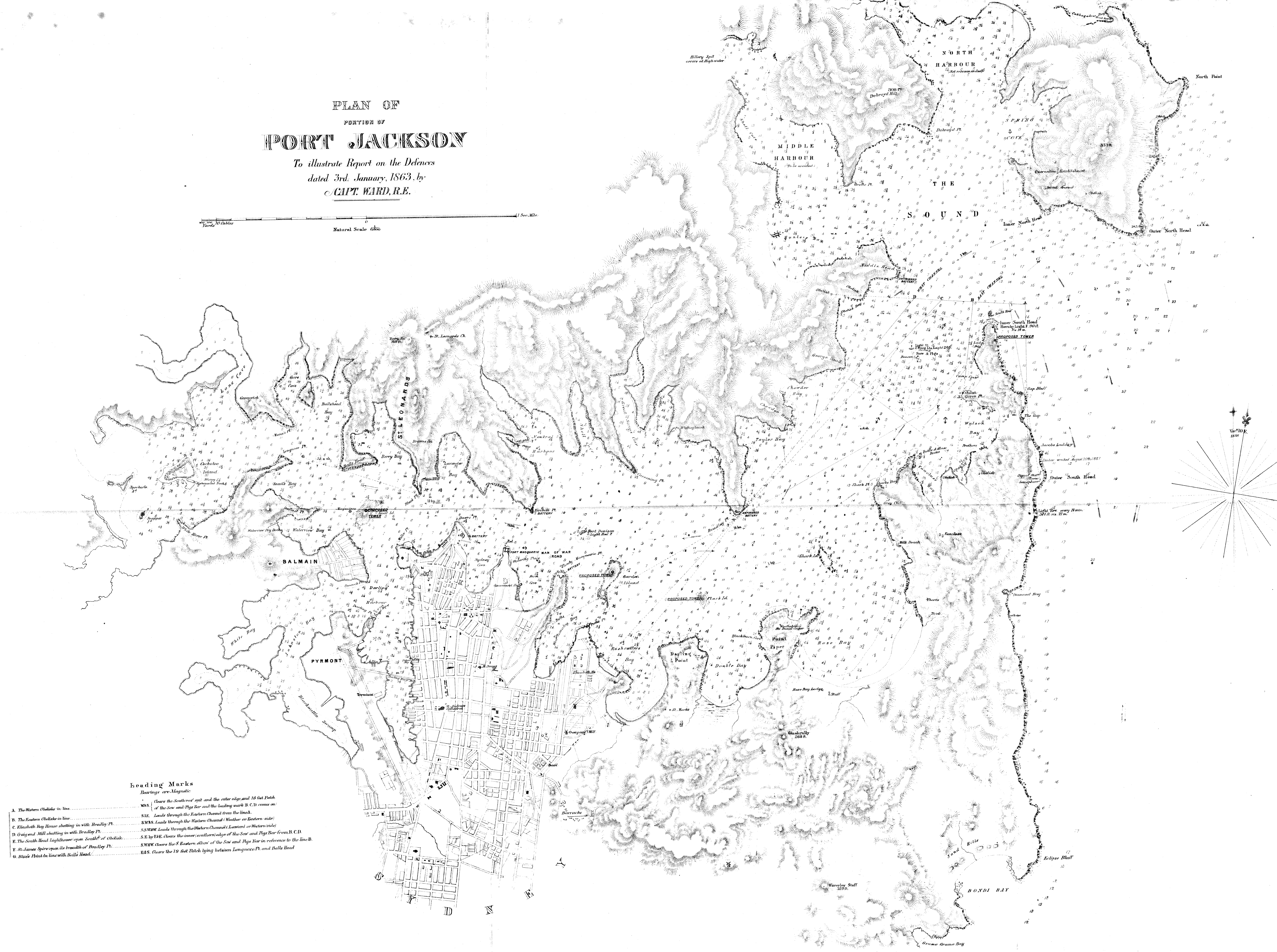
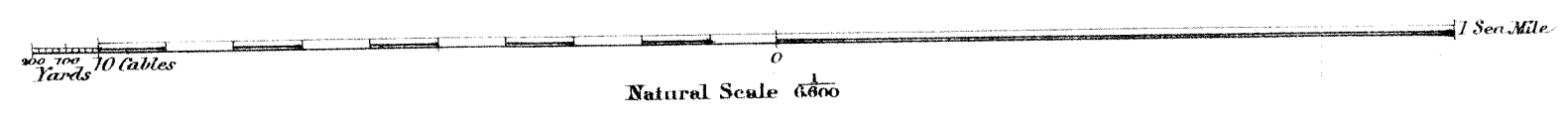
E. W. WARD,

Captain, R.E.

Colonel Carey, C.B.,
Deputy Adjutant General, Melbourne.

PLAN OF
PORTION OF
PORT JACKSON

To illustrate Report on the Defences
dated 3rd. January, 1863. by
CAPT. WARD, R.E.



Heading Marks
Bearings are Magnetic

- A. The Western Obelisk in line. W.S. Clears the Southern spit and the outer edge of the 16 fath Patch of the Sea and Pige Bar and the leading mark B. C. D. comes on.
- B. The Eastern Obelisk in line. S.E. Leads through the Eastern Channel from the line.
- C. Elizabeth Bay House shutting in with Bradley Pt. S.W.S.W. Leads through the Western Channel (Weather or Eastern side).
- D. Gateway Mill shutting in with Bradley Pt. S.S.W.W. Leads through the Western Channel (Leeward or Western side).
- E. The South Head Lighthouse open South of Obelisk. S.E. by E. Clears the inner southern edge of the Sea and Pige Bar from B. C. D.
- F. St. James Spire open the breadth of Bradley Pt. S.W.E.W. Clears the S. Eastern side of the Sea and Pige Bar in reference to the line B.
- G. Black Point in line with Bull's Head. E.S. Clears the 19 fath Patch lying between Langmuir Pt. and Bull's Head.

1863.

NEW SOUTH WALES.

ANNUAL ORDNANCE RETURNS.

Presented to both Houses of Parliament, by Command.

No. 1.

*Military Store Office,
Sydney, 10 March, 1863.*

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 provision of the Act of Council, 4th Vict., No. 2.

NIL.

J. B. COLE,
Asst. Sup. of Stores in charge.

No. 2.

Military Store Office,
Sydney, 10 March, 1863.

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 Vict., 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	
	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.	
	0 0 16	St. Phillip	Sydney	do.	30 January, 1844	
Pinchgut Island	Alexandria	do.	do.	For the Harbour Defences.
Land on which Dawes' Battery is erected ..	7 2 11	St. Phillip	Sydney	do.	31 July, 1844	
	14 3 24	Bathurst	Bathurst	Bathurst	8 December, 1844	For Military purposes.
	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

[Price, 1d.]

Sydney: Thomas Richards, Government Printer.—1863.

ANNUAL ORDNANCE RETURNS.

J. B. COLE,
Asst. Sup. of Stores.

MEM.—The above Lands, &c., were transferred to the Colonial Government by orders from England, 23rd January, 1850, and 11th March, 1859.

1863-4.

NEW SOUTH WALES.

ANNUAL ORDNANCE RETURNS.

Presented to both Houses of Parliament, by Command.

No. 1.

*Military Store Office,
Sydney, 14 April, 1864.*

A RETURN of all Moneys which have been received by or are now payable to Her Majesty's War Department, in respect of all Lands, Tenements, and Buildings, vested in the Principal Officers of Her Majesty's Ordnance, under the provisions of the Act of Council, 4th Victoria, No. 2.

NIL.

J. B. COLE,
Asst. Sup. of Stores.

No. 2.

Military Store Office,
14 April, 1864.

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, 4th 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, Stores, &c.
Lands	1 2 34	Brisbane	Stanley.....	Stanley.....	21 July, 1843	
	0 1 9	St. Luke	Liverpool.....	Cumberland.....	4 August, 1843	
	1 0 13	St. John	Parramatta	Do.	Do.	
	0 1 31½	Do.	Do.	Do.	Do.	
	0 3 39	St. Matthew	Windsor	Do.	Do.	
Land on which Dawes' Battery is erected ..	7 2 11	Do.	Do.	Do.	31 July, 1844	For Harbour Defences.
Pinchgut Island .....	.....	Alexandria .....	.....	Do.	30 January, 1844 ..
Lands	14 3 24	Bathurst	Bathurst	Bathurst	18 December, 1844..	For Military purposes.
	7 1 18	St. John	Parramatta	Cumberland.....	30 January, 1846 ..	
	16 1 15	Newcastle	Newcastle	Northumberland....	5 June, 1847	Sites for Military Barracks.
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.

J. B. COLE,
Asst. Sup. of Stores.

[Price, 3d.]

Sydney: Thomas Richards, Government Printer.—1864.

ANNUAL ORDNANCE RETURNS.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CUSTOMS DUTIES.

(ABSTRACTS OF CUSTOMS DUTIES AND AD VALOREM DUTIES, COLLECTED SINCE 3 DECEMBER, 1863.)

Ordered by the Legislative Assembly to be Printed, 29 December, 1863.

No. 1.

ABSTRACT of *Customs Duties* over and above the rates sanctioned by law, collected at the Port of Sydney, from 3rd December to date.

ARTICLES.	RATE SANCTIONED BY LAW.	RATE CHARGED ADDITIONAL THERE TO.	AMOUNT OF INCREASE.	
	s. d.	s. d.	£	s. d.
Whiskey	7 0	3 0	171	16 6
Rum	7 0	3 0	1,920	18 0
Perfumed Spirits	7 0	3 0	10	18 3
All other Spirits	7 0	3 0	13	1 0
Wine	2 0	3 0	13	13 0
Do.	2 0	1 0	285	1 2
Beer, in wood	0 1	0 5	0	10 10
Do., in bottles	0 2	0 4	67	13 0
Tobacco, manufactured	2 0	0 6	188	11 6
Do., unmanufactured	1 0	0 3	68	18 3
Cigars	3 0	2 0	39	18 4
Coffee and Chicory	0 2	0 1	54	3 2
TOTAL			£ 2,835	3 0

*Customs, 29 December, 1863.*W. A. DUNCAN,
Collector.

No. 2.

ABSTRACT of *Ad Valorem* Duties collected at the Port of Sydney, from the 3rd December to the 12th December, 1863, at which latter date the collection ceased.

GOODS.	RATE OF <i>Ad Valorem</i> DUTY.	AMOUNT OF DUTY.			TOTAL.		
		£	s.	d.	£	s.	d.
Apparel	10 per cent. ...	30	15	0			
Boots and shoes	" ...	5	0	0			
Candles	" ...	0	14	0			
Carriages	" ...	12	2	0			
Confectionery and preserves	" ...	3	3	0			
Drapery	" ...	56	8	0			
Fruit	" ...	21	13	10			
Furniture, &c.	" ...	8	14	9			
Hardware	" ...	16	3	0			
Hats	" ...	30	0	7			
Instruments	" ...	2	12	0			
Lead	" ...	13	1	6			
Leather	" ...	5	0	0			
Machinery	" ...	4	0	0			
Oilmen's stores	" ...	15	4	0			
Ornaments	" ...	0	10	0			
Pictures	" ...	0	10	0			
Soap	" ...	1	6	0			
Timber... ..	" ...	132	2	7			
Watches	" ...	0	5	6			
Woollens	" ...	18	8	0			
					377	13	9
Bags	5 per cent. ...	2	19	0			
Bran	" ...	2	0	0			
Drapery	" ...	27	7	0			
Effects... ..	" ...	0	3	0			
Glassware, &c.	" ...	0	4	3			
Hardware	" ...	40	10	0			
Musical instruments	" ...	9	16	0			
Oilmen's stores	" ...	18	3	0			
Photographic materials	" ...	20	5	0			
Spice	" ...	3	4	0			
Stationery	" ...	8	1	1			
Timber... ..	" ...	19	2	2			
Tortoiseshell	" ...	0	14	0			
					152	8	6
Total Amount of <i>Ad Valorem</i> Duties...				£	530	2	3

Customs, 29 December, 1863.

W. A. DUNCAN,
Collector.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DUTY ON FRENCH WINES.

(CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 16 February, 1864.

FRENCH CONSUL to GOVERNOR SIR JOHN YOUNG, BART.

Sydney, 29 October, 1862.

SIR,

I have received reiterated instructions, from the Minister of Foreign Affairs in France, to call the attention of the Government of this Colony to the second convention passed on 16th November, 1860, as an appendix to the recent Treaty of Commerce between England and France, by which the Australian wool is admitted into the Imperial ports free of all duty.

It is quite unnecessary to dilate upon the advantages that must accrue to the Colony from the competitions of French buyers in its export market. The value of Australian wool consumed annually in France is over one million sterling; and the total advantage of this international trade accrues only to England, there being little encouragement, at the present moment, to induce a direct trade between France and Australia.

It appears to me that the best plan to attract French ships to this port, and French buyers to this market, would be to remodel that portion of the taxation of this Colony which imposes a duty, amounting to 60 per cent., upon French wines, which would necessarily form the principal item in the interchange of commodities. A precedent for this remodelling may be found in the proposal laid by Mr. Gladstone before the House of Commons, on the 3rd April last, and adopted by this House, placing a maximum duty of 1s. per gallon upon all wines under twenty-six degrees of alcoholic strength.

Now, would this modification in any way injuriously affect the revenue of the Colony, since it would not alter the duty upon Spanish and Portuguese wines, of which the consumption is about three hundred thousand gallons (300,000), while the wines imported from France, in 1861, amount only to 2,139 gallons, and in the first half-year of 1862, to 1,182 gallons? Guiding ourselves by precedent, we may contend that the increased consumption, which everywhere follows the decrease of duty, would prove beneficial to the Colonial Treasury. As an evidence that this, in all probability, would be the case, I will point out that, according to the returns of the Board of Trade, while the quantity of French wine entered for home consumption into Great Britain, during 1860, amounted to no more than 1,125,606 gallons, it appears during the year 1861 that the high figure has been reached of 2,227,667 gallons.

Some may, perhaps, suppose that the increased consumption of French wines may induce a proportionate diminution in the use of those of Spain and Portugal. I do not apprehend that such a consequence needs to be feared, and for the following reason:—the price of port and sherry, in these markets, varies from 5s. 6d. to 14s. per gallon in bond, the average being about 8s.; the price of claret varies from 4s. to 7s., the average being about 5s. When, then, we see that, in spite of the difference in price of fully 40 per cent., the consumption of the stronger wines is, to that of the light wines of France, in the proportion of 150 to 1, can it be for a moment imagined that the position would be materially altered by the reduction of 1s. per gallon in the duty? It must not be forgotten that port and sherry are used by the middling and better classes, and would a difference in the cost of 2d. per bottle affect their habits?

It is more likely that a larger importation of light wines will compete with beer, especially during the heat of summer. Therefore, the Exchequer would derive all the advantage from the consumption of a beverage paying a duty of 1s. a gallon, instead of one paying 1d. in wood and 2d. in bottles.

The proposed measure would not prove beneficial to French wines alone, for the products of the German wines would equally profit by it. Favoured by the low transit charges of French railways, these articles would be shipped from Le Havre, Nantes, or Bordeaux, on board of French ships loading for Australia, and thereby forwarding the end I would seek to obtain, in creating outward freight for these vessels.

I may also urge that the modification proposed would be favourable to the consumption of colonial wines, since it would lead to the use of liquids containing a smaller amount of alcohol, such as the wines of the Colony, while it must be remarked that importation from France would still be liable to a duty of 2s. per case, which, together with a freight of 3s. and exclusive of charges, would make an import of 5s. per case, equal to 2s. 6d. per gallon; and estimating the average value of colonial wines at 4s. per gallon, this charge would form a premium in its favour of 62½ per cent.

Now I leave the matter, with the utmost confidence, in the hands of your Excellency and your constitutional advisers, believing that while the adoption of such a course as I have suggested would advantageously increase the trade of my country, it would prove of far greater interest to New South Wales, in extending largely its commercial relations, by permitting that exchange of products through which alone international trade can be conducted with mutual advantage.

I have, &c.,
L. SENTIS.

FRENCH CONSUL to COLONIAL SECRETARY.

Sydney, 6 January, 1863.

DEAR SIR,

I have received some time ago, from His Excellency, a note, by which I am informed that the Governor has been pleased to recommend to his official advisers the adoption of my request, in respect to the wine duty being calculated according to the degree of alcoholic strength.

Being on the eve of leaving the Colony for one year, I would feel much obliged if you would inform me of the intentions of the Cabinet regarding the plan I have suggested, and if you intend to give it your support in the Conference of the Australian Colonies.

I have no doubt you will admit, as a matter of strict justice, that the Australian Colonies, profiting by the recent Treaty of Commerce, which gives them the advantage of sending, free of any duty, their wool to France, should not raise any objection to the clause of the treaty which could be considered as favourable to my country.

I have, &c.,
The Consul for France,
L. SENTIS.

COLONIAL SECRETARY to FRENCH CONSUL.

*Colonial Secretary's Office,
Sydney, New South Wales,
12 January, 1863.*

(62-5875.)

SIR,

I do myself the honor to inform you, that your letter of the 29th October last, addressed to His Excellency Sir John Young, has been under the consideration of this Government. You state that you had received reiterated instructions from the Minister of Foreign Affairs in France, to call the attention of this Colony to the second convention, passed on 16th November, 1860, as an appendix to the recent Treaty of Commerce between England and France, by which Australian wool is admitted into the Imperial ports free of all duty, and suggest that, with the view of attracting French ships to this port, and French buyers to this market, it would be desirable to remodel that portion of the taxation of this Colony which imposes a duty amounting to 60 per cent. upon French wines—the principal item in the interchange of commodities.

This question must be admitted to be one of great importance, more especially when received in connection with the prospect of extending commercial intercourse between France and New South Wales.

The whole subject of tariffs is now engaging the serious attention of the Government of the various Australian Colonies; and arrangements are in progress for holding, at an early period, an Intercolonial Congress, at which delegates from these Colonies will attend, with the object, among others, of establishing a uniform tariff.

Your letter shall be submitted to that Conference, by whom, I am persuaded, the proposal will be attentively considered; and I have much pleasure in conveying to you the thanks of the Government of New South Wales for the interesting communication which, by desire of the French Government, you have made, in reference to a subject of such deep moment to the commerce between our respective countries.

I have, &c.,
CHARLES COWPER.

ACTING

ACTING FRENCH CONSUL to COLONIAL SECRETARY.

Sydney, 21 December, 1863.

SIR,

In October, 1862, the French Consul had the honor of addressing His Excellency Sir John Young, informing him that he had been instructed by his Government to call the attention of the Government of this Colony to the second convention passed on the 16th November, 1860, as an appendix to the Treaty of Commerce between England and France, by which Australian wool is admitted into all the Imperial ports free of duty; and viewing the large trade that might be carried on directly between the two countries, were any encouragement offered to shippers from France, it would be desirable to remodel that portion of the taxation of this Colony which imposes a duty amounting to 60 per cent. on French wines. It was further pointed out that a precedent for such a step was shewn by the course adopted in England, where the duties on French wines have been reduced to 1s. per gallon on all wines under twenty-six degrees of alcoholic strength; and also that if such reduction were effected here, no loss would accrue to the revenue, neither would it affect colonial wines, as the duty and charges on the imported article would amount to a protection of $62\frac{1}{2}$ per cent. in favour of the colonial manufacture. On the 12th of January, 1863, the Honorable the Colonial Secretary acknowledged the receipt of this letter, stating that it had been under the consideration of the Government; and to this despatch (62-5875), recognizing the importance of the question in all its bearings, I have the honor to call your special attention.

Since the date of the reply above referred to, this Consulate has received no further information on the subject from the Colonial Government, nor have any steps been taken to reduce the duty on French wines, notwithstanding the reasonable expectations on the part of the French Government, that the Australian Colonies would, to some extent, at all events, reciprocate the advantages that had been offered to them.

In lieu, however, of any reduction, it is with deep regret that I am compelled to advise my Government that the Ministry of this Colony has submitted to its Parliament a proposal to increase, to a most unequal extent, the duties on French wines. I would most respectfully point out to you that the proposed duty of 10s. per dozen on claret, amounts very nearly to a prohibition of the article. The average cost of the wine imported into the Colony from France does not exceed 8 francs, or 6s. 10d. per dozen quarts, and cannot be sold in this Colony over an average price of 14s. to 16s. per dozen, duty paid; the proportion of high clarets imported does not amount to 1 per cent. With regard to champagne, the proportion of fine wine, costing in France over 18 francs—15 shillings per dozen quarts—does not amount to more than one-tenth of the total imports. This one-tenth is consumed by the upper classes, whilst the other nine-tenths is used by the middle classes of the community.

It cannot be doubted that, in the event of the proposed rates becoming law, the trade in French wines will entirely cease; and as this is at present the chief article of commercial exchange, all the anticipations of my Government of inducing a direct trade with Australia will be at an end, in so far as this Colony is concerned; and the efforts in that direction, as evidenced by the total repeal of all duties on the importation of Australian wools, will have been fruitless.

Believing that the measure to which I have alluded would have a very disastrous effect, in alienating the commerce of France with this Colony, a commerce which, in consequence of the proximity of New Caledonia, is daily assuming a greater importance,—intimately convinced that as a source of revenue the proposed duty would be fruitless, as being prohibitory, and would, therefore, be rather a source of loss than of benefit to the Treasury,—I venture to hope that your Government will reconsider a question which, should it become law, would at once and entirely annihilate all prospects of trade between France and New South Wales, and would, I conceive, evidence a slight appreciation of the important and liberal act of my Government, in endeavouring to induce closer relations between France and this Colony.

I have, &c.,
Legerant du Consulat de France,
CH. COURTIN.

COLONIAL SECRETARY to ACTING FRENCH CONSUL.

*Colonial Secretary's Office,
Sydney, 19 January, 1864.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 21st December last, in connection with a previous communication to His Excellency Sir John Young, under date 29th October, 1862, from Monsieur Sentis, and the reply of the Colonial Secretary, under date 12th January, 1863, all in reference to the importation of French wines into this Colony at a reduced rate of duty, in conformity, as you state, with the operation of the recent Treaty of Commerce between France and England, by which
your

your wines are admitted into the latter country at a maximum duty of 1s. per gallon under twenty-six degrees of alcoholic strength. You also request the Government to reconsider their proposition for an increased duty on the wines in question.

2. In reply, I have the honor to state, that the Government of this Colony, having regard to local circumstances and the necessities of the case, regret they cannot entertain the views you advocate so earnestly, or undertake to reconsider a course which they have deliberately adopted, and to which, at their instance, the Legislative Assembly has recently assented.

I have, &c.,
WILLIAM FORSTER.

Sydney: Thomas Richards, Government Printer.—1864.

[Price, 3d.]

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SEIZURE OF CIGARS ON BOARD THE "ELLEN LEWIS."
(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 13 August, 1863.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 14 July, 1863, That there be laid upon the Table of this House,—

“ Copies of all Evidence taken before the Collector of
“ Customs, together with all other Documents and Papers,
“ relating to the Seizure of 188 Boxes of Cigars on board
“ the ‘Ellen Lewis,’ Stephen Hellon, Master, in April
“ last.”

(Mr. Dalgleish.)

SEIZURE OF CIGARS ON BOARD THE "ELLEN LEWIS."

COLLECTOR OF CUSTOMS to UNDER SECRETARY FOR FINANCE AND TRADE.

Custom House,
Sydney, 20 April, 1863.

SIR,

I do myself the honor to transmit, for the information of the Honorable Treasurer, the particulars of a seizure made by Mr. Macdermott, Tide-Surveyor, on board the vessel "Ellen Lewis."

I have, &c.,
W. A. DUNCAN,
Collector of Customs.

NEW SOUTH WALES.

PORT OF SYDNEY.

AN ACCOUNT of Seizures made at, or brought into this Port, on the 17th day of April, 1863.

Date of seizure and when taken charge of by Collector.	By whom seized.	Where, from whom, and why seized.	Description of goods.	Whether claimed or not.
1863. 17 April... 18 "	M. Macdermott...	Jolly's Wharf, an out-of-the-way place, on board ship "Ellen Lewis," not reported.	188 boxes of cigars, 500 each box.	

No Informer.
Expenses incurred, Nil.

M. MACDERMOTT,
Tide-Surveyor.

Custom House, Sydney,
20 April, 1863.

An Inquiry into the circumstances connected with the seizure made by Mr. Macdermott, Tide-Surveyor, on board the ship "Ellen Lewis."

Michael Macdermott, Tide-Surveyor, called in, and being sworn, states:—I seized 188 boxes of cigars on board the "Ellen Lewis," on the 17th instant; I put them, together with 107 boxes of cigars, represented as cargo, in rooms on board the ship "Ellen Lewis;" I mean by being represented, that the 107 boxes are so stated in the manifest as cargo; I seized the 188 boxes of cigars for not being reported according to law; I looked at the landing-waiter's manifest; I did not see them there; I removed them from the ship on the 18th instant, and they are now in the Queen's Warehouse; I went on board the "Ellen Lewis" on the 17th instant to rummage the vessel; all the cargo was landed except the 107 boxes of cigars; the landing-waiter, Mr. King, stated to me that he thought the captain would take them to Newcastle, and that the ship was ready to be jerked; it was in jerking the vessel that I discovered the discrepancy between the manifest and the quantity on board; I saw the captain on board; he said when he came on board—"Holloa! what's this?—stop! stop!"—or words to that effect; I merely said in reply, "I am jerking the vessel"; the captain then approached the tide-waiter on board, seemed uneasy, and flurried; when he heard from the tide-waiter that the cigars were counted, he seemed astounded that there were 294 boxes of cigars; he said, "What! Did you say 294 boxes?" or words to that effect; he then said, "Some of them are not worth the duty—they got wet at sea"; proceeded to his room, and exhibited certain cigars out of an ullage, broke one of them, desired me to look at it, and I smelled it, and said it was rather musty; this one is not a fair sample of the others; the box, which was accidentally broken, seemed to be sound and saleable; he spoke in an under tone, when he asked the tide-waiter were the cigars counted; he wished the same officer to be left on board—that the twenty days allowed by law to discharge his cargo had not expired; from what I saw of the captain's manner, and judging from appearances on board, I am of opinion that the captain intended to smuggle the 188 boxes of cigars ashore.

Examined

SEIZURE OF CIGARS ON BOARD THE "ELLEN LEWIS."

3

Examined by Captain Hellon : I did receive notice to jerque the ship "Ellen Lewis" from Mr. Levy ; I did count the cigars on Friday ; you did ask me whether I had notice to jerque the ship ; I said I had ; the tide-waiter was in the cabin when you approached him ; I heard you say, "Are the cigars counted?" the tide-waiter's answer was, "There are 294 boxes of cigars on board"; you expressed surprise when you found there were so many on board, and you said, "Some of them are not worth the duty"; you said the words, "Yes,—What! did you say 294 boxes?" I said that the landing-waiter told me that the ship was all out, except the 107 boxes of cigars, and that I could not leave a permanent officer, who was in receipt of £175 per annum salary, on board, while extra tide-waiters were receiving 10s. 6d. per day ; you then said you were entitled to twenty days to discharge your ship ; when you saw me sealing up one of the rooms, wherein I put 98 boxes of cigars, you said if the seal were broken, and the cigars taken out of the cases, what would be the consequence?—You did point out something about the room, you (pointing to the door) thought the seal might be easily broken ; I spoke of a board ; I could not say whether you suggested it or not in the first instance ; you certainly got the board for me readily, and caused your man to nail it up ; you did point out that the door was insecure ; I swear, to the best of my belief and knowledge, that you did say to the tide-waiter, in an undertone, "Did you count the cigars?" the tide-waiter answered, "Yes ; there are 294 boxes of cigars."

M. MACDERMOTT.

Sworn before me, this 21st April, 1863,— }
W. A. DUNCAN, Collector. }

William King, Acting Landing-waiter, called in, and being sworn, states :—I was in charge of the ship "Ellen Lewis"; I saw her cargo discharged ; the cargo is not all discharged yet ; 107 boxes of cigars and some sugar still remain on board ; I was given to understand that the cigars were the captain's own property, and that he was seeking a purchaser for them ; the captain asked me whether, in the event of his not getting a purchaser for them, he could take them to Newcastle with him ? I said, "Yes, under seal;" I said to Mr. Russell that no entry was passed for the cigars on board the "Ellen Lewis"; I also told Mr. Russell that the captain pointed out to me a box of cigars partly used ; I was not aware that there were any more on board than the 107 boxes of cigars and the ullage box until after Mr. Macdermott rummaged the vessel ; the captain asked for information with regard to how to proceed with the cigars, as they were below, mixed up with the cargo ; I said, "If you don't know the quantity you had better pass a sight-entry for them"; this was before the cargo was landed ; no entry was passed for the cigars at all ; I cannot say whether Mr. Macdermott asked me, when he came down, whether the vessel was ready for rummage ; he may have done so ; I was very busy at the time ; he asked for the manifest ; I shewed it to him.

Examined by Mr. Macdermott : I told Mr. Russell about the captain having pointed out an ullage-box of cigars ; I meant the 107 boxes of cigars in the manifest when I spoke of a sight-entry ; I do not recollect saying to Mr. Russell, "If you (Mr. Macdermott) had not seized the cigars I should have done so"; if I had known there was an excess I should have seized the goods.

Examined by Captain Hellon : I had no idea that you had any intention to defraud the revenue.

By the Collector : I went on board several times ; I went to see what the men were about ; I did look down the hold several times ; I did look at the cigars from the deck above down the hatch ; I could not see them all ; I saw a batch of them ; I have had a conversation with Captain Hellon, about the seizure of cigars, since the seizure was made—down on the wharf, alongside the ship ; the captain told me that he had been up to the Collector about the cigars, and that I had to appear the next morning, at 11 o'clock ; the conversation with the captain was in the forenoon ; I said to him that whoever had made the mistake would have to bear the odium of it ; I expressed no opinion (merely conversing) to any one whether the seizure would be confirmed or not.

WILLIAM KING.

Sworn before me, this 21st April, 1863,— }
W. A. DUNCAN. }

Archibald Campbell, Acting Tide-Inspector, called in, and being sworn, states :—

Examined by Mr. Macdermott : Mr. King informed me, on Friday, the 17th instant, that the "Ellen Lewis" would be ready for jerquing in the afternoon, if not stopped ; I told Mr. Levy to jerque this vessel, if ready ; I examined the vessel myself, and thought she would be ready for jerquing ; I saw Mr. King on the wharf ; the masters of vessels often complain that their vessels are not jerqued in time.

Examined by Captain Hellon : I was not down in the hold, nor certain that I saw the whole of the cargo, but I was told by the tide-waiter that the cargo lying within view was all, with the exception of the cigars ; I knew there were cigars on board, and directed the tide-waiter to ask the captain to have them all put into one place for the convenience of sealing.

ARCHIBALD CAMPBELL,

Acting Tide-Inspector.

Sworn before me, this 21st April, 1863,— }
W. A. DUNCAN, Collector. }

Samuel

4 SEIZURE OF CIGARS ON BOARD THE "ELLEN LEWIS."

Samuel Levy, Acting Tide-Surveyor, called in, and being sworn, states:—

Examined by M. Macdermott: I think it was about quarter to 3 o'clock, p.m., on the 17th instant, when I asked you to go and rummage the "Ellen Lewis"; the tide-inspector told me that the vessel, "Ellen Lewis," required jerquing; stores on board:—7 bags of raw sugar, 30 lbs. of coffee, 2 dozen Champagne, 4 boxes of cigars.

Examined by Captain Hellon: I got notice from the tide-inspector that the vessel required jerquing; I did not want the officer particularly.

S. LEVY.

Sworn before me, the 21st April, 1863,— }
W. A. DUNCAN, Collector. }

Robert Mackreth Russell, Acting Landing-Surveyor, called in, and being sworn, states:—

Examined by M. Macdermott: Mr. King mentioned that there were cigars on board; I understood him to say that there were some cigars on board the "Ellen Lewis" liable to seizure; I cannot undertake to say the exact words he used—this was on the wharf; I am inclined to think this was on Friday last (morning); I think Mr. King said there was a surplus over and above the quantity reported; from my experience as a tide-surveyor I think you were justified in rummaging the "Ellen Lewis," under the circumstances.

R. M. RUSSELL,
Acting Landing Surveyor.

Sworn before me, this 21st April, 1863,— }
W. A. DUNCAN. }

Thomas Thrussell, a boatman, belonging to the Government boats' crew:—

Examined by M. Macdermott: I was acting cockswain on Friday last; you went with me to Jolly's wharf on Friday last to jerque the vessel "Ellen Lewis"; I saw the captain of the "Ellen Lewis" when he came on board; he said "holloa" to the officer in a very low voice; he wanted the tide-waiter to be kept on board; he (the captain) appeared uneasy and restless; he did not speak so loud to the officer when he spoke to him as he did when he first came on board; he appeared surprised when he heard there were 294 boxes, and he made the remark that there were twenty of them damaged at sea; he said that some of them were not worth the duty, and he went to his room for some cigars; he wished the officer to be left on, and the cigars left out, and said that the officer's time was not up with him; I do not think this remark was made before the cigars were counted.

Examined by Captain Hellon: When you came on board we were busy stowing the cigars—when I heard you talk about this matter; I do not know that I heard all you said, but I have stated what I heard you say; I am aware of the serious nature of an oath; I was in the lazarette before the captain came on board, and after that I was in the cabin; I have not been promised anything in this matter.

THOMAS THRUSSELL.

Sworn before me, this 21st April, 1863,— }
W. A. DUNCAN, Collector. }

Henry Spinks, Tide-waiter, called in, and being sworn, states:—

Examined by Collector: I was on board the "Ellen Lewis" on Friday last, when Mr. Macdermott came on board; I think it was about 4 o'clock in the afternoon; I assisted Mr. Macdermott in counting some boxes of cigars on board; I am not aware how many are reported in the manifest, but we found 294; the captain came on board while we were engaged on board; he just said, "What's this—what's this for?" Either I or Mr. Macdermott said we are going to put the cigars in the bunks; the captain said the tide-waiter's time is not yet up; Mr. Macdermott said that he could have the place opened when he wished—to-morrow morning if he wished; the captain said there were some of them damaged, and he could not be expected to pay duty on all; he did seem a little surprised when he came on board; I had looked into the hold several times, and saw the cigars there, but did not count them—they were scattered about; I spoke to the captain, and he had them put into one heap; I did not see anything on board to lead me to think that the captain would land them; I did not count them, but I had a mark on them so that none could be removed without my knowledge; I saw them tallied two or three days after I went on board; I do not think any of these were removed before the ship was rummaged.

By Mr. Macdermott: On Friday last I think the captain asked were the cigars counted; I told the captain there were 294 boxes of cigars—he hesitated and seemed surprised.

By Captain Hellon: I cannot account for your being surprised; I found a paper one morning, written on it 297 boxes; this was some morning after the mate had counted them; I handed it to the captain a few days afterwards; this was ten days before
Mr.

Mr. Macdermott came on board ; the captain was talking about disposing of the cigars when I gave him this paper ; he then said what a careless man the mate was ; the memorandum produced is the one I gave the captain ; I do not recollect your inquiring for this memorandum before it was found.

By Mr. Macdermott : I did not hear what you said to Mr. King.

HENRY SPINKS.

Sworn before me, this 21st April, 1863,— }
W. A. DUNCAN. }

John Bros, Custom House Agent, called in, and being sworn, states:—I was the agent who reported the vessel "Ellen Lewis"; the document handed to me is the report; 107 boxes of cigars are reported as cargo, and four as stores; I had no reason to suppose that there was anything incorrect in the report as it stands now; there were 300 boxes of cigars entered on the report and afterwards scored out; the 300 boxes were entered among the stores on the 30th, and scored out the same day, because the captain was not prepared to say that that was the exact number; I also informed him that I did not think 300 boxes of cigars would be allowed to be entered as stores; the captain then left me with the intention of counting the boxes before the report was made; he returned on the 31st to make his declaration; the four first items—sugar, bags, cordage, and soap—were entered on the 30th; the 107 boxes of cigars were entered on the 31st; the captain gave me the statement as to the number of the boxes of cigars; it is the practice of the agents to caution the masters of vessels entering, to be particular in reporting their dutiable goods correctly, and I did so on this occasion.

By Captain Hellon : You called four times at our office before the declaration was made; the first report that I got from the vessel was the freight-list, given me in Messrs. Willis & Co's. office; that freight-list contained only the first four items referred to; you afterwards came to my office, and I asked you what other goods you had on board; you said, "I have some cigars"; I asked you the quantity; you said you were not at all aware of the quantity on board; you said there was an account in the cargo-book; you asked me if I could report without stating any quantity—you gave as a reason that you did not know the quantity; Willis Merry's clerk went to their office to get the account from the cargo-book; he returned in the course of the day with that; that account stated 300 boxes and 6 boxes; I came in and found the clerk reporting, Captain Hellon having entered the 300 boxes as stores, and I then made the same remark that the 300 boxes would not be allowed as stores; the captain then went away to ascertain the correct quantity; all this took place on the 30th of March; I did not see you again the following day; I then took down the list of the stores from your own lips, and the remainder of the cargo, and upon that report the captain made his declaration.

JNO. BROS.

Sworn before me, this 21st April, 1863,— }
W. A. DUNCAN, Collector. }

Nicholas Giffard, Custom House Agent, called in, and being sworn, states:—

By Collector : I am a partner of the last witness; the "Ellen Lewis" was entered in for our firm by Mr. Bros.

By Captain Hellon : On the 30th of March you were standing at the table talking to Mr. Bros when I came in; Mr. Bros was asking you about the quantity of cigars you had on board; you said you did not know the quantity—there might be 300 boxes—there might be more—there might be less—you could not say; you wished us to enter the ship without stating the quantity; I told you that could not be done, the Collector would not take such a report; we advised you to have the boxes tallied before reporting, and put it off till the next day; you did come after dinner; I was not there when you said there were 107 boxes; you said you could not tell the quantity, and did not wish to make a false report, and this was your reason for making it blank.

N. GIFFARD.

Sworn before me, this 21st April, 1863,— }
W. A. DUNCAN, Collector. }

Joseph John McDermott called in, and being sworn, states:—I am a master mariner.

By Captain Hellon : You commissioned me to sell some cigars, about 300 boxes, in bond specified particularly; I offered them first to Palsler and Cowlishaw at a price which they refused when they found they had to pay the duty; I also offered them to a tobacconist in Lower George-street.

By Mr. Macdermott : I told you in the presence of Mr. Grogan, yesterday, that when talking of the seizure, that I wanted to sell those cigars last week at 55s. per 1,000, subject to duty; I did not offer them to a draper in William-street at 50s. per 1,000; I also offered them to Mr. Hughes, and I particularly told him that they were
in

6 SEIZURE OF CIGARS ON BOARD THE "ELLEN LEWIS."

in bond, and he must pay the duty ; I did not offer them to any one under 55s. ; I did say they were a good bargain ; I certainly expected the usual commission for selling ; I was not at Lawrence's to offer them ; I know Mr. O'Douyd.

By Captain Hellon : I offered them to Mr. Hughes at 55s.—he laughed at the price ; Mr. Cowlishaw said 45s. was a fair price ; I know Mr. Grogan ; I do not remember what I said to him when I met him ; I may have said to him, "I am doing well in town—ask Mr. O'Douyd ;" I do not know that referred to the cigars.

JOSEPH J. McDERMOTT.

Sworn before me, this 21st April, 1863,— }
W. A. DUNCAN. }

[*Examination resumed on the 22nd of April, 1863.*]

Peter Campbell Curtis, called in, and being sworn, states :—

Examined by Collector : I am a clerk ; I did not know that there were any cigars on board the "Ellen Lewis," and I know nothing, except what Captain Hellon told me, about the seizure ; I had heard of Captain Hellon, and when I was introduced to him by Captain Budd I said to Captain Hellon, "You have been making a mess of it ?" he said, "Oh no, my boy ; that is easily explained !" I remember his saying it was in consequence of some mistake in the report, his agents not having reported the quantity he instructed them to do.

Examined by Mr. Macdermott : I do not remember saying anything about this matter to Mr. Grogan ; on the Saturday morning, when I went to the office, I was told by a person who was reading the paper that there had been a seizure, and I was told it was on board the ship "Ellen Lewis" ; I then asked the captain's name ; the person reading the paper told me "Captain Hellon" ; I then said, "Oh, I expected as much," meaning that Captain Hellon was the person I had heard of by repute ; I remember that Grogan was standing by ; I know nothing about the seizure.

By Collector : By saying I expected as much I meant that I had heard that the "Ellen Lewis" had got into some trouble.

By Captain Hellon : I have never heard anything of you to lead me to suppose you intended to do anything wrong ; I have never been on board the "Ellen Lewis" ; I know nothing about this transaction except what you told me.

PETER C. CURTIS.

Sworn before me, this 22nd April, 1863,— }
W. A. DUNCAN. }

William Eagland Day, Auctioneer, called in, and being sworn, states :—

Examined by Captain Hellon : When you arrived here I wanted to buy cigars ; I asked you how many you had ; you said somewhere about 300 boxes ; you said they were in bond ; you asked 55s. per 1,000 for them.

W. E. DAY.

Sworn before me, this 22nd April, 1863,— }
W. A. DUNCAN. }

Mr. Macdermott re-called :—

Examined by Captain Hellon : I swear that I did not say that I would give a Champagne supper if the seizure was confirmed.

M. MACDERMOTT.

Sworn before me, this 22nd April, 1863,— }
W. A. DUNCAN. }

Mr. Bros being re-called, states that :—"About ten days before the seizure Captain Hellon came to the office and asked me how many cigars had been reported ; "I said 107 boxes, and gave him a memorandum to that effect."

JNO. BROS.

Sworn before me, this 27th day of April, 1863, }
in the presence of Captain Hellon,— }
W. A. DUNCAN.

CAPTAIN S. HELLON to COLLECTOR OF CUSTOMS.

Sydney, New South Wales,
23 April, 1863.

SIR,

I avail myself of the permission which you gave me to address you upon the subject of the seizure, by one of your officers, of 188 boxes of cigars, on board the "Ellen Lewis," under my command, and I take this opportunity of thanking you for allowing my solicitor to peruse the evidence taken before you in the matter, and to take extracts therefrom.

The

The "Ellen Lewis" arrived at Sydney on the 28th day of March last, with a cargo of sugar, rope, mats, and about 300 boxes of cigars. Messrs. Willis, Merry, and Co. were my agents, and Messrs. Giffard and Bros were employed by Willis, Merry, and Co. to do my Custom House business. Before the anchor was let go, Henry Spinks, landing-waiter, came on board, and remained there until the 17th April instant. William King, acting landing-waiter, was the officer employed on the wharf to superintend the discharging of the cargo, and to weigh it. All the cigars were stowed in the hold with the other cargo, and not in any way concealed. I employed several persons on shore to endeavour to sell the cigars for me, subject to the payment of the duty. I told Henry Spinks and William King of my intention to sell them, and if I could not sell them that I meant to take them with me to Newcastle to sell them there, and in corroboration of my statement, I will here quote extracts from the evidence of William King and others, taken before you, viz. :—

William King : I was given to understand that the cigars were the captain's own property, and that he was seeking a purchaser for them; the captain asked me whether (in the event of his not getting a purchaser for them) he could take them to Newcastle with him; I said, 'Yes, under seal;' the captain asked for information with regard to how to proceed with the cigars, as they were below, mixed up with the cargo; I said, 'If you do not know the quantity you had better pass a sight-entry for them;' this was before the cargo was landed; no entry was passed for the cigars at all. *Examined by me* : I had no idea that you had any intention to defraud the revenue. *Examined by Collector* : I went on board several times; I went to see what the men were about; *I did look down the hold several times.*

Examined by Macdermott, the seizing officer : *I did look at the cigars from the deck above down the hatch*; I could not see them all; I saw a batch of them. *Archibald Campbell, acting Tide-Inspector, cross-examined by me* : I was not down in the hold, nor certain that I saw the whole of the cargo, but I was told by the tide-waiter that the cargo lying within view was all, with the exception of the cigars; I knew there were cigars on board, and directed the tide-waiter to ask the captain to have them all put into one place, for the convenience of sealing. *Henry Spinks* : I had looked into the hold several times, and saw the cigars there, but did not count them; they were scattered about; I spoke to the captain, and he had them put into one heap; I did not see anything on board to lead me to think that the captain would land them; I did not count them, but I had a mark on them, so that none could be removed without my knowledge; I saw them tallied two or three days after I went on board; I do not think any of these were removed before the ship was rummaged. *Examined by me* : I found a paper one morning written on it 279 boxes; this was some morning after the mate had counted them; I handed it to the captain a few days afterwards; this was ten days before Mr. Macdermott came on board; *the captain was talking about disposing of the cigars when I gave him this paper.* *John Bros, Custom House Agent, examined by me* : You called four times at our office before the declaration was made; the first report that I got from the vessel was the freight-list given me in Messrs. Willis, Merry's, & Cos. offices; that freight-list contained only the first four items referred to; you afterwards came to my office, and I asked you what other goods you had on board; you said I have some cigars; I asked you the quantity; you said you were not at all aware of the quantity on board; you said there was an account in the cargo-book; you asked me if I could report without stating any quantity; you gave as a reason that you did not know the quantity; Willis, Merry's clerk went to their office to get the account from the cargo-book; he returned in the course of the day with that; that account stated 300 boxes, and 6 boxes; I came in and found the clerk reporting; Captain Hellon entered the 300 boxes as stores, and I then made the same remark, that the 300 boxes would not be allowed as stores; the captain then went away to ascertain the correct quantity; all this took place on the 30th of March; I did not see you again till the following day; I then took down the list of the stores from your own lips, and the remainder of the cargo, and upon that report the captain made his declaration. *Nicholas Giffard, Custom House Agent* : I am a partner of the last witness; the 'Ellen Lewis' was entered in for our firm by Mr. Bros. *Examined by me* : On the 30th of March you were standing at the table talking to Mr. Bros, when I came in; Mr. Bros was asking you about the quantity of cigars you had on board; you said you did not know the quantity—there might be 300 boxes—there might be more—there might be less—you could not say; you wished us to enter the ship without stating the quantity; I told you that could not be done—the Collector would not take such a report; we advised you to have the boxes tallied before reporting, and put it off till the next day; you did come after dinner; I was not there when you said there were 107 boxes; you said you could not tell the quantity, and did not wish to make a false report, and this was your reason for making it blank. *Joseph John M'Dermott, master mariner, examined by me* : You commissioned me to sell some cigars, about 300 boxes, in bond specified particularly; I offered them first to Palser and Cowlshaw at a price which they refused, when they found they had to pay the duty; I also offered them to a tobacconist in Lower George-street. *Examined by Macdermott, the seizing officer* : I told you, in the presence of Mr. Grogan yesterday, that when talking of the seizure that I wanted to sell those cigars last week at 55s. per 1,000, subject to duty; I did not offer them to a draper in William-street at 50s. per 1,000; I also offered them to Mr. Hughes, and I particularly told him that they were in bond, and he must pay the duty; I did not offer them to any one under 55s.; I did say they were a good bargain; I certainly expected the usual commission for selling. *William England Day, auctioneer, examined by me* : When you arrived here I wanted to buy cigars; I asked you how many you had; you said somewhere about 300 boxes; you said

" they

"they were in bond; you asked 55s. per 1,000 for them." I would here call your particular attention to the following extracts from the evidence before quoted:—" *Wm. King* : "I had no idea that you had any intention to defraud the revenue." *Henry Spinks* : "I did not see anything on board to lead me to think that the captain would land them,"—and compare the same with the following evidence of Macdermott, the seizing officer. *Michael Macdermott* : "From what I saw of the captain's manner, and judging from "appearances on board, I am of opinion that the captain intended to smuggle "the 188 boxes of cigars ashore." It appears that Macdermott, without having had the slightest opportunity of judging of my conduct with respect to the cigars, from my arrival in port up to the time of his seizure of them, when he observed "the captain seemed uneasy and flurried," has had the temerity to venture upon the before-mentioned opinion, in order to support, to the utmost stretch of his imagination, a confirmation of the seizure, which would put money into his pocket. I submit to you that feeling conscious that I had not smuggled, or contemplated smuggling, and being in utter ignorance that I had committed the slightest breach in the Customs' regulations, it was enough to make a man uneasy and flurried to find an officer first jerking my vessel without notice, and before the usual time for doing so had arrived, and then seizing the cigars, and more particularly when William King and Henry Spinks (the two officers who were in constant attendance on the ship from her arrival—the one on board and the other on the wharf,) were fully aware that the cigars were on board, knew where they were stored, and could have counted them whenever they pleased, and that I was trying to sell them, subject to the payment of the duty. I cannot but think that this volunteer opinion of Macdermott's, given to endeavour to procure a pecuniary benefit to himself, but greatly and most unjustly to prejudice me, and without being justified by facts or circumstances, is highly discreditable to him.

The only evidence that I feel called upon to explain is that of Mr. Bros—"The captain gave me the statement as to the number of the boxes of cigars." Previous to making the report of the ship, Mr. Bros admits, over and over again, that he heard there were 300 boxes of cigars on board, and he deposes as follows:—"Willis, Merry, and Co.'s "clerk went to their office to get the account from the cargo-book; he returned in the "course of the day with that; that account stated 300 boxes and 6 boxes." I made no secret of the number of cigars I had on board, to Messrs. Giffard and Bros, but I several times referred to the number of boxes, and where the latter got the magic number of 107 boxes to put into the report I cannot imagine. I most positively assert that I never gave him that number to put into the report, and he must have inserted it therein under a mistake. Having so often referred to the number of boxes as 300 in my conversations with Giffard and Bros, is it probable that I should have given Bros the number of 107 only to insert in the return? It appears to me that Mr. Bros, having made the mistake, and found the unpleasant position in which he has thereby placed his constituent, was, perhaps, not unnaturally, unwilling to admit it, and therefore endeavoured to shift the blame from his own shoulders upon mine. I admit that I ought to have read the report before I deposed to the truth of it; the fact is, that having employed, through my agents, Custom House agents to conduct my Custom House business, I trusted to them entirely to make the proper entry and report at the Custom House, and I signed and deposed to the truth of the report in the full belief that Messrs. Giffard and Bros had prepared it correctly.

I think I have now proved to you, beyond the shadow of a doubt, that the report of there being only 107 boxes of cigars on board, arose entirely from mistake; that from the time of the arrival of my vessel at Sydney, up to the seizure, I freely stated to my agents, to the officers of Customs, and others, that I had about 300 boxes of cigars on board; that I tried to sell them in Sydney, subject to the payment of duty; that from my arrival in Sydney, up to the seizure, the cigars were in the hold of the vessel, exposed to the view of the Custom House officers attached to the ship, and to every person coming on board who liked to look at or even to count them; and that I never did, or attempted to remove a single box from the ship up to the time of the seizure.

I have been a ship master, sailing out of and into this port for the last twelve years, and this is the first time I have ever been charged with the slightest breach of the Customs regulations. I have never before broken the Customs regulations, and if the present charge be a breach of them it has arisen only from a palpable mistake; and during the whole of my life I have never once smuggled, or been in any way concerned in smuggling, or accused of smuggling.

As to my respectability and character I can, with confidence, refer you to Messrs. Willis, Merry, and Co., P. N. Russell and Co., John Cuthbert, Anderson, Campbell, and Co., of Sydney, and Messrs. Bingle and Co., of Newcastle, or almost any other respectable firm in Sydney.

In consequence of the seizure my ship has been detained already six days, at a loss of £9 per day, and I do hope you will take my case into your early consideration, and do me that justice, which, as a British subject, I claim at your hands, by at once acquitting me of any intention to break the Customs' regulations, and by restoring to me my cigars.

I have, &c.,
S. HELLON.

27 April, 1863.

HAVING carefully read the foregoing evidence, together with the defence put in by Captain Hellon, I am clearly of opinion that this is a case for forfeiture under the 9th section of the Act, and that, moreover, Captain Hellon has incurred a maximum penalty of £100 under that section, and a similar penalty under the 13th section (9 Vict., No. 15).

1. In the first place, a very serious breach of the law was made in reporting 107 boxes, when 295 or 297 boxes were on board. It is clear, also, that before reporting Captain Hellon knew that he had on board about 300 boxes; that he however expressed his ignorance of the exact number; that his agents very properly advised him, before reporting, to have them tallied; that this was done, and the number ascertained to be 297; that notwithstanding, only 107 were reported and declared to by the captain.

2. Captain Hellon, in his statement, makes indeed the only answer that could avail him in this state of the facts, and I admit he shews therein considerable ability. He maintains that he gave his agents the correct number of boxes, namely, 297; and he throws on them the whole onus of the false report. Now, if this were credible (although it would not wholly justify him in making a solemn declaration without looking at the document, the correctness of which he was deposing to), it would go some way to shew that he was innocent of any intention to report falsely or to smuggle cigars; but this statement is expressly contradicted, on oath, by Mr. Bros, who wrote out the manifest as dictated to him by Captain Hellon, and who, on being recalled, further states, in the Captain's presence, that, ten days before the seizure, Captain Hellon came to him and obtained a written memorandum of the number of cigars reported, namely, 107 boxes. Captain Hellon indeed rejoins that Mr. Bros' memo. stated that 297 boxes were reported; but this is utterly incredible, not to say impossible. The first alleged error of the agent is scarcely within the bounds of possibility; the second I consider impossible. I cannot believe that a clever man of business would first mistake the sound of 297 for 107, and again read from the manifest 107 as 297! It is admitted on both sides that a memorandum was given;—why does not Captain Hellon produce it, and thus settle the question?

3. Then if Captain Hellon became aware of the false report ten days before the seizure, why did he not at once apply for permission to amend his manifest? It is well known that I never refuse permission to amend, when an involuntary mistake is made.

4. I cannot help thinking that there is in this admitted application to Mr. Bros something suspicious, when considered in connection with his application to Mr. King to know what he should do about the cigars, as he did not know the quantity "in consequence of their being mixed up with the cargo." It does seem as if he were feeling his way as to what was practicable. Moreover, his statement to Mr. King was certainly untrue in both particulars: he did know how many boxes he had, for it is in evidence that he had them counted before reporting, and Mr. Spinks swears that they were separated from the cargo and tallied by the mate, in his presence, two or three days after he went on board, and so marked by him that he would have known if any had been removed; he also swears, that some ten days before the seizure, he found a paper which, it was admitted, contained the mate's tally that it contained 297 boxes, and that he handed it to the captain.

5. There are minor points in the evidence, on some of which Captain Hellon relies for his justification, and which, in the absence of the facts above stated, might have had some weight; there are others leading to an opposite conclusion. Without dwelling on either, it is clearly proved, in my opinion, that Captain Hellon made a false report, under the 9th section of the Act; that he was *most probably* aware of it at the time; that he *certainly* became aware of it about ten days before the seizure; and that he allowed these ten days to elapse without asking permission to amend his report. I therefore feel it to be my duty to confirm the seizure; and the only doubt I have is, whether, in addition, I ought not to prosecute for the penalties incurred under the 9th and 13th sections of the Act?

W. A. DUNCAN.

CAPTAIN S. HELLON to COLONIAL SECRETARY.

Sydney, April 30, 1863.

SIR,

In the matter of a seizure of cigars on board the "Ellen Lewis," I have the honor to forward herewith the following documents, to which I beg to call your particular attention, viz.:—Copies of the Evidence taken before the Collector of Customs upon an enquiry held by him into the circumstances of the seizure—of my letter to the Collector—and of his reply confirming the seizure.

A careful and dispassionate consideration of the facts and circumstances developed in the documents referred to, and especially in my letter of explanation to the Collector, of the 23rd instant, will, I feel persuaded, convince you, that if I have committed a breach of the Customs' Regulations, it has been quite accidental on my part, and without the slightest intention of smuggling, or infracting the Customs' Laws or Regulations, and that no evidence has been adduced to justify the slightest suspicion that I had any such intention.

I admit that I am justly chargeable with carelessness in signing and swearing to the truth of the report, without having first made myself thoroughly acquainted with its contents; but I had every confidence in the Custom House Agents acting for me, and

and in signing the document as a matter of form, I only pursued the custom usually followed by ship-masters, who trust to their Custom House Agents' correctness in filling up the returns to the Custom House. I have already suffered by my carelessness, a heavy pecuniary loss in the detention of my ship here since the seizure, amounting to at least £9 per day for every day I remain.

In the Collector's letter to me, of the 27th instant, paragraph No. 2, he states that my assertion that I gave my agents the correct number of boxes, viz., 297, is expressly contradicted, on oath, by Mr. Bros. I have already asserted, and I now most positively repeat, that I never did instruct Mr. Bros to insert 107 boxes in the return. It is true he contradicts me, and says that I gave him the statement as to the number of boxes. Now let me call your attention for one moment to the circumstances attending each of our statements; and let us consider which statement bears the greatest probability of truth, without accusing either party of a wilful misrepresentation. Mr. Bros states in his evidence:—"There were 300 boxes of cigars entered on the report, and afterwards scored out. The 300 boxes were entered among the stores on the 30th, and scored out the same day, because the captain was not prepared to say that that was the exact number. I also informed him that I did not think 300 boxes of cigars would be allowed to be entered as stores." In Mr. Bros's cross-examination by me, he states:—"You said I have some cigars; I asked you the quantity; you said you were not at all aware of the quantity on board; you said there was an account in the cargo-book; you asked me if I could report without stating any quantity, you gave as a reason that you did not know the quantity; Willis Merry's clerk went to their office to get the account from the cargo-book, he returned in the course of the day with that; that account stated 300 boxes and 6 boxes, and I then made the same remark, that the 300 boxes would not be allowed as stores." Nicholas Giffard, (Mr. Bros's partner,) states, on his cross-examination by me:—"On the 30th March you were standing at the table talking to Mr. Bros when I came in; Mr. Bros was asking you about the quantity of cigars you had on board; you said you did not know the quantity—there might be 300 boxes—there might be more—there might be less—you could not say; you wished us to enter the ship without stating the quantity; I told you that could not be done—the Collector would not take such a report; we advised you to have the boxes tallied before reporting, and put it off till next day; you did come after dinner; I was not there when you said there were 107 boxes; you said you could not tell the quantity, and did not wish to make a false report, and this was your reason for making it blank." It thus appears, that both Messrs. Bros and Giffard knew that there were about 300 boxes of cigars on board. That number was first entered in the report among the stores; and the cargo-book brought to their office by Messrs. Willis Merry's clerk "stated 300 boxes and 6 boxes." I told them that "I did not know the quantity—there might be 300 boxes—there might be more—there might be less;" and Mr. Giffard admits that I said to him and his partner Bros, I could not tell the quantity and did not wish to make a false report, and that was my reason for making it blank. The number (107 boxes,) was never mentioned or heard of by me until after the seizure, when Mr. Bros, for the first time, stated that I had given him that number to put in the report; but his assertion is not corroborated by a single witness. Mr. Giffard states, "I was not there when you said there were 107 boxes." I would here ask, is it probable, with the facts before stated, that I would venture to give Mr. Bros the number of 107 boxes, when he and his partner both so well knew there must have been about 300 boxes on board? And I would also ask, whether Mr. Bros, with this knowledge, was justified, under the circumstances, in inserting the number of 107 boxes in the return? If I had given him such instructions (but which I emphatically deny), would it not have been his duty, as a Custom House Agent, first to have remonstrated with me against returning only about one-third of the actual number of boxes on board, and pointed out to me the risk I was running of having the cigars seized, and subjecting myself to other penalties? And if I had still insisted upon the return of 107 boxes only, I maintain that he ought to have peremptorily declined to have permitted a return, so grossly inaccurate, to have issued out of his office, and refused to act any longer as my Custom House Agent.

The Collector further observes in his letter, that Mr. Bros asserted in my presence that ten days before the seizure I came to him and obtained a written memorandum of the number of cigars reported—namely, 107 boxes—and that I rejoined that Mr. Bros's memorandum stated that 297 boxes were reported; and then follows the following paragraph:—"But this is utterly incredible, not to say impossible. The first alleged error of the agent is scarcely within the bounds of possibility; the second I consider impossible. I cannot believe that a clever man of business would first mistake the sound of 297 for 107, and again read from the manifest 107 as 297!" Why incredible, and why impossible? Was not Mr. Bros more likely to have written down in the return, in mistake, 107 instead of 297, than I to have directed him to write down 107 when he well knew there were about 300 boxes on board? I really cannot understand whether the Collector means the term "clever man of business" to apply to myself or Mr. Bros. If he means them to apply to me, I can only say that I never heard the number of cigars returned as 107 boxes until after the seizure; and I have already admitted, that when I signed and declared to the truth of the return, I most carelessly, trusting to the accuracy of my Custom House Agent, omitted to make myself acquainted with its contents. With respect to my having obtained from Mr. Bros, ten days before the seizure, a memorandum that the number of cigars returned was 107 boxes, I beg most distinctly to deny the fact, and I assert that the number upon the memorandum given me by him was 297 boxes. Henry Spinks, in his cross-examination by me states, "I found a paper one morning

"written

"written on it, 297 boxes; this was some morning after the mate had counted them; I handed it to the captain a few days afterwards; this was ten days before Mr. Macdermott came on board; the captain was talking about disposing of the cigars when I gave him the paper." Now, had the memorandum given me by Mr. Bros stated the number of boxes returned to be 107, is it not reasonable to suppose that I should at once have applied to Mr. Bros to explain the discrepancy between the number inserted in his memorandum and the number in the memorandum given me by Henry Spinks, on the same day which shewed the number actually to be 297? But it appears that no such appeal was made by me to Mr. Bros, nor in fact did I ever hear of, or allude to, the number of 107 boxes being in the return, until after the seizure. It is obvious that if I had been acquainted with the fact that I had returned 107 as the number of boxes when the Custom House Officer, H. Spinks, was aware that they had been counted, and the actual number on board was 297, that I should have at once applied to my Custom House Agents to rectify the mistake at the Custom House. The Collector adds, "It is admitted on both sides that a memorandum was given; why does not Captain Hellon produce it, and thus settle the question?" In reply, I beg to state that I have already told the Collector that I had not got the memorandum referred to; if I had I should long since have produced it, and proved that the number of boxes inserted on it was 297, and not 107, as stated by Mr. Bros; and the Collector has not asked me to produce it until he knew from me that I had it not.

In paragraph No. 3 the Collector writes as follows:—"Then if Captain Hellon became aware of the false report ten days before the seizure, why did he not at once apply for permission to amend his manifest? It is well known that I never refuse permission to amend when an involuntary mistake is made." I have already shewn that I was totally ignorant of the mistake until after the seizure. I should undoubtedly have directed Mr. Bros to rectify the mistake at the Custom House.

Paragraphs No. 4 and 5 of the Collector's letter seem to be an assertion of his having arrived at certain conclusions not justified by the evidence or the circumstances of the case, in which he has indulged in certain speculative and crude opinions of his own, most unjust and damaging to my character, in which he has charged me, first, with a wilful breach of the Customs' regulations, and secondly, with having been guilty of falsehood in defending myself against the charge; the truth of which charges I utterly deny, and earnestly assert that I have been guilty of neither the one nor the other.

The evidence clearly shews that the officers in attendance, in discharging the ship, had free access to the cigars in the hold of the vessel; they were there openly exposed to view. I offered them for sale to several persons, subject to the payment of *duty*, and I freely spoke to the officers and others about the number of boxes which I had on board, as near as I could calculate.

I would ask you to consider what possible benefit I could derive by returning 107 boxes instead of 297? Does my conduct, from my arrival in the port up to the seizure, as proved in the evidence, shew the slightest intention on my part to wilfully break the Customs' regulations, or to smuggle the cigars?

I solemnly declare that I am under the conviction that the return of 107 boxes of cigars was made by Mr. Bros in error, and that he mistook my instructions to return 297 boxes, and returned 107 boxes; and that I have not wilfully broken the Customs' regulations, nor for a moment contemplated a breach of them, or smuggling of any description.

I have been a ship-master, trading in and out of this port, for the last twelve years, without a blemish upon my character; and I have never, during my life, smuggled, contemplated smuggling, or a breach of the Customs' regulations; and I now place myself in the hands of a liberal Government, and solicit them to take my case into its early consideration, and to do me justice (which I have been denied by the Collector of Customs) by acquitting me of the charges which he has preferred against me, but in proof of which he has utterly failed, and ordering the restitution of my cigars.

I request your reply may be addressed to my agents, Messrs. Willis, Merry, and Co., Sydney.

I have, &c.,
S. HELLON.

The Treasurer.—C.C. B.C., 6 *May*.
Refer to Collector of Customs.—T.W.S. 6/5/63.

COLLECTOR OF CUSTOMS to UNDER SECRETARY FOR FINANCE AND TRADE.

Custom House,
Sydney, 7 May, 1863.

SIR,

With reference to Captain Hellon's application for a restoration of 188 boxes of cigars, seized by Tide-Surveyor Macdermott for not having been reported, I beg to forward herewith the original evidence taken in the matter, with my decision thereon.

I have nothing to add to that decision except my firm belief (which it was not necessary there to express) that the cigars were intended to be smuggled.

I would call particular attention to the facts sworn to by Mr. Bros and Mr. Spinks: By the former, that ten days previous to the seizure he gave Captain Hellon, at his request, a memorandum to the effect that 107 boxes only had been reported; and

and by Mr. Spinks, that on or about the same day he picked up and handed to the captain the mate's memorandum, stating that there were 297 on board. Unless, therefore, these witnesses have perjured themselves (which there is not the shadow of a ground for supposing), Captain Hellon knew, ten days before the seizure, that he had made a false report, which it was his duty to lose no time in asking permission to amend. This he never did.

Captain Hellon asserts, indeed, in the face of their sworn testimony, that he gave his agents originally the number 297 to report, and that although the manifest shews only 107, Mr. Bros's memorandum, referred to, stated that 297 had been reported. The production of that memorandum could alone, in my opinion, support an assertion so utterly incredible, even if the sworn testimony of Mr. Bros were not opposed to it; but the non-production of the document—the extreme improbability of such a contradictory series of blunders—and Mr. Bros's oath that the captain's original report, and his own memorandum (which might, for aught Mr. Bros knew, be produced), both gave the number as 107, prove in my mind, beyond a doubt, that the captain was well aware, ten days before the seizure, and probably from the beginning, that he had made a false report.

Indeed, I have never known a clearer case for forfeiture under the ninth section of the Act, and I have no hesitation in saying that if a seizure like this were restored no one could be expected to incur the odium of protecting the revenue by making seizures, or to suffer the unheard-of abuse heaped upon the seizing officer during the investigation of this case, by Captain Hellon, without the shadow of a ground, except that the officer did his duty.

I have, &c.,
W. A. DUNCAN,
Collector of Customs.

UNDER SECRETARY FOR FINANCE AND TRADE to MESSRS. WILLIS, MERRY, AND CO.
The Treasury, New South Wales,
12 May, 1863.

GENTLEMEN,

With reference to the seizure of 188 boxes of cigars on board the ship "Ellen Lewis," and to the letter from Captain Hellon requesting their restoration, I am directed by the Treasurer to inform you, that he is of opinion that the evidence fully justifies the decision of the Collector of Customs; and that, on re-consideration, he is not disposed to disturb it.

I have, &c.,
HENRY LANE,
Under Secretary.

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PECUNIARY ASSISTANCE FROM AGENTS TO OFFICERS
OF CUSTOMS.

(DEPARTMENTAL LETTER OF COLLECTOR OF CUSTOMS, RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 10 February, 1864.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 9 February, 1864, That there be laid upon the Table of this House,—

“ A copy of the Letter addressed by the Collector of Customs
“ to the Officers of his Department, dated the 18th November
“ last, relative to the obtaining of pecuniary assistance from
“ Custom House Agents by the Officers of Customs.”

(*Mr. Garrett.*)

*Custom House, Sydney,
18 November, 1863.*

It has accidentally come to my notice, that a considerable number of the officers of this department have incurred pecuniary obligations to Custom House Agents and others doing business largely in this office, thereby placing themselves in an extremely false position with respect to those gentlemen, and rendering a proper and independent discharge of their duties, under certain circumstances, almost impossible.

It is unnecessary to point out to any sensible man the extremely objectionable nature of transactions of this kind, which are perhaps directly contrary to the 3rd section of the Customs Act, and are decidedly against its spirit. Not only are the agent and the officer placed in a false position towards each other, but both are placed in a false position towards myself. I confess I could not hold myself answerable for men so devoid of delicacy and propriety. Irregularities, and things which require explanation, continually occur, and as the explanations are often barely satisfactory, it would be impossible always to avoid a suspicion (even where no actual corruption might exist) when it is known to me that an improper pecuniary connection of this kind exists.

I am willing to believe that, in some cases, this objectionable practice may have arisen from want of reflection, or from the example of others; I do not, therefore, propose to punish any one for the past, but the evil must be removed, and speedily too. I therefore give notice, that if all such transactions between officers and Custom House Agents are not finally arranged before the 1st January next, or if any new obligations of the kind are incurred from henceforth, the parties thus forgetting their public duty and forfeiting their independence will be removed from the service.

W. A. DUNCAN,
Collector of Customs.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

IMPORTED VARNISH CONTAINING SPIRIT.
(PETITION—CABINET-MAKERS, &c.)

Ordered by the Legislative Assembly to be Printed, 29 September, 1863.

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

The Petition of the undersigned Cabinet-makers, Upholsterers, and other Importers of Varnish containing Spirit,—

SHEWETH :—

That on the 3rd day of September instant, the Honorable Colonial Treasurer read to your Honorable House a list of New Duties of Customs, which he stated he proposed to add to the present Tariff. That amongst these proposed New Duties is Five Shillings per gallon on Varnish containing any Spirit.

That this impost, if agreed to by your Honorable House, will be fifty per cent. on the official declared value of the most useful and valuable kinds of Varnish, more particularly that which is commonly called "French Polish," in which Spirit of Wine is the chief ingredient.

That the Honorable Treasurer, in his Financial Statement, estimated the Revenue to be derived from his proposed impost of five shillings per gallon on Varnish containing any Spirit, at Three thousand pounds sterling. In the official Return of the General Imports into the Colony, the articles, Turpentine and Varnish, are improperly placed together as one item of quantity and value; and it is, therefore, impossible to state correctly what quantity of Varnish containing Spirit formed part of the twelve thousand five hundred and thirty-seven gallons of Turpentine and Varnish that were entered at the Custom House in Sydney, during the past year. That your Petitioners, however, from their own knowledge of the requirements of the trade, and from careful inquiries, believe that not more than two thousand gallons of Varnish containing Spirit formed part of the above-named quantity. That, therefore, the Revenue to be derived from so obnoxious a tax on cleanliness, may be estimated more correctly at Five hundred pounds sterling, in place of Three thousand, as erroneously calculated by the Honorable Treasurer.

That in consequence of the Collector of Customs refusing to allow Spirit of Wine in bond to be converted into Varnish or Polish, by adding Shellac or other resinous matter to it, and then taken out of bond duty free, unless a large per centage of Naptha be added to the Spirit—the use of the most valuable kinds of Varnish and Polish is diminishing, and that too at a time when the beauty and durability of the woods indigenous to this Colony are beginning to be fully recognized, not only by Cabinet-makers, but by Architects, for external and internal doors, windows, sashes, balustrades, and other parts of buildings, for the keeping of which in good order, Varnish or Polish is far preferable to Paint, whether as regards ornament, durability, or cleanliness.

That, whilst the Chemists, and other importers of chemicals, have long complained of that Customs Regulation which prevents them using Spirit of Wine, duty free, as a solvent to the Shellac, or other resinous matter required to make Varnish or Polish—unless Naptha be added to it—it appears to your Petitioners to be most injudicious to propose to levy an exorbitant duty on Varnish containing any Spirit.

Your Petitioners, therefore, pray that your Honorable House will take the premises into consideration, and refuse to agree to levy a Customs Duty on imported Varnish containing Spirit.

And your Petitioners will ever pray, &c., &c., &c.

[Here follow 42 Signatures.]

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DUTIES ON SPIRITS OF WINE.

(PETITION—CHEMISTS AND DRUGGISTS, &c.)

Ordered by the Legislative Assembly to be Printed, 29 September, 1863.

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

The Petition of the undersigned Chemists, Druggists, and other Importers of Chemicals, resident in the City and Port of Sydney,—

SHEWETH :—

That by the Act of the Colonial Legislature, 9 Victoria, No. 25, section 75, the Customs duty on spirits or strong waters (other than brandy, gin, whiskey, and rum) is chargeable according to the actual strength of proof by Sykes' hydrometer, and so on in proportion for any greater or less strength than the strength of proof.

That spirit of wine, though chargeable per gallon at the same rate of duty as rum and whiskey, namely, 7s., arrives in the ports of the Colony in so far greater strength above proof than either of those beverages; that it pays nearly double the duty which they do—although they are imported as articles of luxury—whilst spirit of wine is chiefly used for medicinal, manufacturing, and artistical purposes—that is to say, in preparing tinctures by chemists, French polish for cabinet-makers and polishers, and varnishes for artists.

That, as regards the latter items, the cost of preparing them here, by reason of the heavy duty charged for their chief ingredient, is so great, that it almost prohibits their preparation in the Colony.

That by the process of methylating the pure spirit of wine—that is, by adding to it a large per centage of naphtha, the holders are permitted to take the spirit out of bond duty free, but it has been a matter of serious complaint that naphtha greatly injures the eyes of the polishers, and they therefore use the imported polish, in which no naphtha is used, but which is, nevertheless, admitted duty free; and the spirit in place of being poisoned with naphtha, receives a per centage of resinous matter, generally shellac, and the polish thus compounded can be bought in Sydney at from 10s. to 12s. per gallon; whilst prepared here, from the same materials, and the spirit of wine paying duty from 11s. to 12s. 6d. per gallon, the Colonial chemist or other importer of chemicals cannot sell it under double those prices.

That the Collector of Customs has been requested to permit shellac only to be mixed in the bonded stores with the spirit of wine, in place of naphtha, when the composition is required for polishes and varnishes; this he has refused to permit. He has expressed himself willing to reduce the per centage of naphtha, if shellac is also mixed; but refuses to remit the duty, if shellac only is added to the spirit. The ground of this refusal is, that naphtha is of so peculiar a character that it cannot be withdrawn from the spirit of wine, so as to enable the illicit distiller to convert the latter into brandy or other revenueable beverages; but the same may to some extent be said of shellac, or other resinous matter. The spirit of wine can be withdrawn from it, but the resinous residuum would render the still totally unfit for other use; and whilst low Colonial wines can be bought at the vineyards at from 1s. to 2s. 6d. per gallon, there is not the slightest temptation to illicit distillers to purchase spirit of wine, mixed with shellac, with the view of converting it into brandy, or other drinkable liquors.

Your Petitioners, therefore, pray your Honorable House to take the premises into consideration, and to grant such a modification of the Customs rules, in respect to the levying duty on spirit of wine, not methylated with naphtha, as may be deemed meet.

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

[Here follow 15 Signatures.]

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROTECTIVE DUTIES.

(PETITION—COACHMAKERS, &c.)

Ordered by the Legislative Assembly to be Printed, 1 December, 1863.

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

The Petition of the undersigned Coachmakers and others engaged in the trade in the Colony of New South Wales,—

HUMBLY SHEWETH :—

That your Petitioners view with alarm the increasing importation of Carriages and other material used in the trade from Foreign parts, duty free, whereby your Petitioners sustain a serious injury, causing distress to extend itself to all the workmen engaged in the various branches of the trade, from a want of employment.

That your Petitioners would take leave to point out to your Honorable House the fact that, during the last twelve months, the importation of Carriages and material connected therewith, amount to the enormous sum of ——— pounds, and would most respectfully urge upon Honorable Members the absolute necessity of imposing a reasonable duty on future imports—first, on account of deficiency of revenue now existing; and secondly, with a view of placing the workmen of Sydney in a position to compete fairly with Foreign labour.

That your Petitioners urgently solicit the attention of your Honorable House to the condition of the youths of the Colony, most of whom are utterly precluded from becoming useful citizens and members of society, from want of occupation in the various trades which are now in so languid a condition, arising solely from excessive imports.

The criminal records of the Colony bear testimony to the startling fact, that a large proportion of the criminals consist of the rising youth of the country.

Your Petitioners, therefore, humbly pray that your Honorable House will be pleased to cause such a duty on imported Carriages and other material connected therewith, as shall increase the revenue and give occupation to your Petitioners.

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

[Here follow 226 Signatures.]

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROTECTIVE DUTIES.
(PETITION—INHABITANTS OF SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 29 December, 1863.

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

The Petition of we, the undersigned Inhabitants of Sydney,—

HUMBLY SHEWETH,—

That, by British and Foreign manufactures being allowed, by our present laws, admission into the ports of this Colony free of duty, great injury is sustained by us in consequence of such unfair competition; and great alarm is also felt by us as to the future fate of the rising generation of the Colony, in consequence of the want of congenial labour; and further, numbers of the working classes are suffering severe privations for the want of remunerative labour.

Your Petitioners, therefore, in consequence of the depression and lack of trade being so prevalent, and, through these circumstances, distress being general, urgently press upon you the necessity of framing such a Tariff as will enable artisans, manufacturers, and producers of this Colony to compete with those of other manufacturing Countries.

Your Petitioners beg to observe, that, in framing such a Tariff, you will see the absolute necessity of placing a sufficient import duty on all imported goods as could be manufactured or produced in the Colony, not only for the purpose of Revenue, but more particularly for the promotion of colonial industry.

Your Petitioners, in conclusion, hereby pray that this grave and important question, so seriously affecting labour, immigration, the progress of manufactures, the stability of our national credit, and the general prosperity of the Colony at large, may have that immediate attention given to it which necessity demands.

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

[Here follow 4,343 Signatures.]

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROTECTIVE DUTIES.
(PETITION—MASTER AND OPERATIVE TAILORS.)

Ordered by the Legislative Assembly to be Printed, 29 December, 1863.

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

The Petition of the undersigned Master and Operative Tailors of Sydney and the various Suburbs,—

HUMBLY SHEWETH :—

That we, individually and collectively, feel the great injury being done to us, in consequence of the unfair competition brought to bear against us by the admission of foreign goods to our port, free of duty.

We, your Petitioners, would respectfully observe that it is in the power of your Honorable House to frame such laws and impose such duties as will enable the tradesmen of this Colony to compete fairly with British and Foreign imports, and would urge upon you the necessity of an immediate enquiry into the matter complained of.

Your Petitioners are unanimous in the opinion, that nothing less than a complete revision of the Tariff by your Honorable House will meet the financial deficiency of the Exchequer, and restore the Colony to a state of prosperity.

Your Petitioners, therefore, humbly pray that you will be pleased to give this grievance of thousands of partly or wholly unemployed tradesmen your earliest attention.

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

[Here follow 201 Signatures.]

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROTECTIVE DUTIES.
(PETITION—MAITLAND.)

Ordered by the Legislative Assembly to be Printed, 29 December, 1863.

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

The humble Petition of the undersigned Inhabitants of Maitland,—

MOST RESPECTFULLY SHEWETH :—

That your Petitioners have viewed with much pain the great depression of trade, and the want of constant employment by the working classes, in their several branches of colonial industry.

That your Petitioners record their conviction that the same depression exists throughout the agricultural interests of this district, and which depression they attribute to the unhealthy competition they have to contend with, by the free introduction to the Colony of manufactures and cereals, the product of great and powerful nations.

That your Petitioners respectfully record their conviction that, until a very recent period in the world's history, free trade was unknown, and that it was protection to native industry, in the first instance, which fostered manufactures and agriculture amongst the nations of Europe and America.

That your Petitioners believe that a comprehensive measure of protection upon articles which we can produce will at once give a powerful impetus to colonial industry, and enable us hereafter to compete with other Countries.

Your Petitioners, therefore, humbly pray that your Honorable House will take the premises into your consideration, and eliminate such a measure of protection to native industry as may foster the manufactures and husbandry of the Colony.

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

[Here follow 680 Signatures.]

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROTECTIVE DUTIES.

(PETITION—PADDINGTON, WOOLLAHRA, &c.)

Ordered by the Legislative Assembly to be Printed, 29 December, 1863.

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

The Petition of the undersigned Inhabitants of Paddington, Woolahra, Point Piper, and Rushcutters Bay,—

HUMBLY SHEWETH:—

That we, individually and collectively, feel the great injury being done to us, in consequence of the unfair competition brought to bear against us, by the admission of foreign manufactures into our port, free of duty.

We, your Petitioners, beg to observe that a majority of the working classes with their families are suffering great privations for want of remunerative labour; and the employers feel the stagnancy of their respective trades equally with the employés.

Your Petitioners, in consequence of the distress so prevalent, press upon you the necessity of placing such taxes on all imported goods, as can be manufactured or produced in the Colony, as will place the colonial artisans on an equal footing with other manufacturing Countries.

Your Petitioners, in conclusion, humbly pray that this question, being of such serious import to the Country at large, may have that attention given to it which necessity demands.

[*Here follow 83 Signatures.*]

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROTECTIVE DUTIES.

(PETITION—PARRAMATTA.)

Ordered by the Legislative Assembly to be Printed, 5 January, 1864.

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

The Petition of the undersigned Inhabitants of Parramatta,—

HUMBLY SHEWETH :—

That by British and Foreign manufactures, with other productions, being allowed by our present laws admission into the ports of this Colony, free of duty, great injury is sustained by us in consequence of such unfair competition; and great alarm is also felt by us as to the future fate of the rising generation of the Colony, in consequence of the want of congenial labour; and further, numbers of the working classes, with their families, are suffering severe privations for the want of remunerative labour.

Your Petitioners, therefore, in consequence of the depression and lack of trade being so prevalent, and through these circumstances distress being general, urgently press upon you the necessity of framing such a Tariff as will enable artisans, manufacturers, and producers of this Colony, to compete with those of other manufacturing Countries.

Your Petitioners beg to observe that, in framing such Tariff, you will see the absolute necessity of placing a sufficient import duty on all imported goods as could be manufactured or produced in the Colony, not only for the purpose of revenue, but more particularly for the promotion of colonial industry.

Your Petitioners, in conclusion, humbly pray that this grave and important question, so seriously affecting labour, immigration, the progress of manufactures, the stability of our national credit, and the general prosperity of the Colony at large, may have that immediate attention given to it which necessity demands.

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

[Here follow 141 Signatures.]

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROTECTIVE DUTIES.
(PETITION—CABINETMAKERS AND OTHERS.)

Ordered by the Legislative Assembly to be Printed, 5 January, 1864.

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

The Petition of the undersigned Cabinetmakers, and others connected with the trade, resident in Sydney,—

HUMBLY SHEWETH:—

Your Petitioners, in their particular trade, labour under a great grievance, from the want of a reasonable import duty, which they believe could be easily levied upon all manufactured furniture introduced into the Colony, from Great Britain and elsewhere.

That abundant evidence of the grievance complained of is to be found in the manifest and increasing destitution which exists among the workmen hitherto engaged in the manufacture of furniture in this city, many of whom are unable to obtain employment at their legitimate trade, in consequence of the depression therein, which has followed on the recent enormous importation of British and Foreign furniture free of duty.

That your Petitioners would respectfully point out to your Honorable House, that a large amount of revenue might be obtained by levying a package duty on imported furniture; the very easy and simple mode of collecting such duty being one of its chief recommendations.

That your Petitioners are aware that one or two large importers of furniture were examined at the Bar of your Honorable House on the subject; but they feel satisfied, that if the operative cabinetmakers were permitted to give evidence, the result of their examination would tend greatly to change the opinions hitherto formed.

Your Petitioners, therefore, humbly pray that your Honorable House will be pleased to cause a duty on imported furniture to be included in any scheme of taxation, or change in the Tariff, that may be introduced into your Honorable House.

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

[Here follow 250 Signatures.]

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROTECTIVE DUTIES.

(PETITION—SADDLERS, HARNESS-MAKERS, ETC.)

Ordered by the Legislative Assembly to be Printed, 16 February, 1864.

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

The Petition of the undersigned Saddlers, Harness-makers, Curriers, Tanners, Boot and Shoe Makers, and others engaged in the Manufacture of Leather, in the Colony of New South Wales,—

HUMBLY SHEWETH :—

That, from the stagnancy of our respective trades (in consequence of the heavy importation of our various manufactures from British and Foreign ports into this Colony), considerable injury is sustained by the masters, and severe destitution suffered by the workmen, who are both able and willing to work but cannot find sufficient employment.

We, your Petitioners, respectfully urge upon you the absolute necessity for immediate steps being taken by your Honorable House, to frame such laws as will protect our labour.

Your Petitioners would venture to suggest to your Honorable House, that in consequence of the Finances of the Colony being in an embarrassed state, the Revenue might be materially increased by levying a reasonable import duty upon the various articles we manufacture.

Your Petitioners, in conclusion, pray that this important question, so vitally affecting the welfare of the Colony at large, may have that attention given to it by your Honorable House which it so seriously demands.

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

[Here follow 838 Signatures.]

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROPOSED NEW TARIFF.
(PETITION—MERCHANTS AND OTHERS.)

Ordered by the Legislative Assembly to be Printed, 9 December, 1863.

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

The Petition of the undersigned Merchants and others,—

Your Petitioners have perused, with mingled feelings of apprehension and dismay, the Tariff proposed by the Honorable the Colonial Treasurer, more particularly that portion of it relating to the imposition of *ad valorem* duties.

Your Petitioners submit to your Honorable House that the measure proposed will at once and for ever annihilate the trade of this Colony with Queensland, New Zealand, and the Islands of the Pacific—will encourage illicit distillation—and will increase the existing inequality in the incidence of public burthens.

Your Petitioners would further point out, that the trade lost to the Colony will be directed to the sister Colonies of Victoria and Queensland, while it will be out of the power of any legislation to prevent smuggling across the border.

Your Petitioners therefore respectfully intreat your Honorable House to devise some other more enlightened scheme of taxation to supplement the deficiency that exists in the public revenue.

And your Petitioners will ever pray.

Sydney, 3rd December, 1863.

[*Here follow 2,310 Signatures.*]

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROPOSED NEW TARIFF.

(PETITION—IMPORTERS OF BOOTS AND SHOES.)

Ordered by the Legislative Assembly to be Printed, 29 December, 1863.

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

The Petition of the undersigned Importers of Boots and Shoes:—

Your Petitioners view with alarm the proposed excessive duty on boots and shoes, and respectfully submit to your Honorable House,—

1. That eight (8) shillings per cubic foot will exceed fifteen (15) per cent. on the value of boots and shoes imported to this Colony; in proof of which it may be stated that, during the twelve (12) months ending 30th June last, a mercantile firm in this city received from a manufacturer in England (612) six hundred and twelve trunks boots and shoes, which were from time to time sold, realizing in all £6,762 2s. 4d. sterling. The bills of lading can be produced, shewing the cubic measurement of said 612 trunks to have been (2,715) two thousand seven hundred and fifteen feet—the duty on which, at the proposed rate of eight (8) shillings, would amount to (£1,086) one thousand and eighty-six pounds, which is rather over (16) sixteen per cent. of the amount realized. Again, an importer is now landing from the ship "Granite City," (12) twelve trunks boots and shoes, costing as per invoice (which can be produced) £126 13s. 6d., and measuring as per bill of lading (which can also be produced) 55 feet 8 inches—the proposed duty on which would amount to £22 5s. 4d., being at the rate of (17½) seventeen and a half per cent. From calculations made, importers find that the proposed duty would average over (15) fifteen per cent. *ad valorem*, and any quantity of figures and facts can be brought forward to prove the correctness of this estimate.

2. That boots and shoes for women's and children's wear, and especially the cheaper descriptions, will be most affected by the proposed duty, and that to an alarming extent; for example, a trunk of the outside measurement of (6) six cubic feet will hold (96) ninety-six pairs of carpet slippers, value one shilling per pair—thus the slippers will be worth (96s.) ninety-six shillings, and the duty will be (48s.) forty-eight shillings, being half the value, that is a duty of (50) fifty per cent. A slipper of the value mentioned in example given, would be purchased only by the poorer classes of consumers, who would thus (under the proposed duty) be made to contribute at the rate of (50) fifty per cent. But the unequal pressure of such a duty as that now proposed may be better illustrated by taking (2) two trunks of the same size, say (6) six cubic feet, and therefore subject to same duty, say (48s.) forty-eight shillings. One trunk shall contain (24) twenty-four pairs gentlemen's jockey boots, costing (32s. 6d.) thirty-two shillings and sixpence per pair; the other trunk shall contain (180) one hundred and eighty pairs children's boots, costing (1) one shilling per pair. According to this, the rich man's boots will be charged (2s.) two shillings per pair, and the poor man's boots (3¼d.) three-pence farthing per pair; in other words, the rich man must pay less than (7) seven per cent. for a luxury, and the poor man just (27) twenty-seven per cent. for one of the necessaries of life.

3. That the class of boots and shoes upon which the proposed duty will fall most heavily cannot be manufactured in the Colony, owing to the scarcity of suitable workmen, and the high rates of wages as compared with those existing in England; consequently the increased cost must eventually fall on the consumer.

4. That the result of such a duty (as that now proposed) would be that all orders for boots and shoes from Queensland, New Zealand, and the Pacific, would be sent to Melbourne, as being a cheaper market to the extent (at least) of the duty now proposed, and which in itself is no small profit.

5.

5. That the value of boots and shoes at present exported from this Colony is not less than from (15) fifteen to (20) twenty per cent. of the amounts imported.

6. That the demand for boots and shoes in the Southern Districts of this Colony would be supplied by goods from Victoria that would be smuggled across the Border, and that, in the same manner, New England would in many parts be supplied from Queensland; and arrangements of this nature would be greatly facilitated from the fact that the duty now proposed—(8) eight shillings per cubic foot or (£16) sixteen pounds per ton of (40) forty cubic feet—is equal to upwards of (£60) sixty pounds per ton weight, thus giving a large margin for carriage.

7. That smuggling on an extensive scale would soon be carried on; very large quantities of boots and shoes would be sent to this Colony (as well from neighbouring Colonies as from England) packed in cases with other goods, as drapery, hardware, &c.

8. That the general operation of such a duty would be found extremely oppressive on those least able to bear it; and by the loss of the intercolonial trade, the amounts upon which duties may be now chargeable will be speedily reduced by fully (20) twenty per cent., because importers will cease to calculate on any demand other than that arising from the counties and districts in the immediate neighbourhood of Sydney, and further, the retail prices would necessarily be largely increased to consumers.

9. That the proposed duty, if carried, will have the effect of injuring the general trade of the Colony, inasmuch as consumers in Queensland, requiring station supplies, prefer to purchase the whole from one market.

Your Petitioners, therefore, humbly pray that your Honorable House will withhold your assent to the proposed duty on boots and shoes.

And your Petitioners will ever pray.

[*Here follow 32 Signatures.*]

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROPOSED NEW TARIFF.

(PETITION—GOULBURN.)

Ordered by the Legislative Assembly to be Printed, 29 December, 1863.

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

The Petition of the undersigned Mechanics and Producers of Goulburn,—

SHEWETH :—

That your Petitioners, being impressed with a true and sincere loyalty towards Her Majesty's sacred person, and an undeviating respect for the laws and constitution of this Colony, respectfully beg leave to address your Honorable House on the highly important subject of protection to the trade of this Country, as brought forward by the present Ministry, by placing an *ad valorem* duty of ten per cent. on certain imported goods; on which subject they beg leave to offer their united opinion, and to join their influence in carrying out an object of such vital consequence to a large portion of the population of this Colony.

That free trade, taken in its broadest sense, while it has benefited a comparatively small number of the colonists, such as storekeepers and squatters, has been a serious drawback to the Revenue, and a principle of almost total extinction to the handicraft and manufacturers of New South Wales, inasmuch as thousands of tradesmen are, for the bare means of subsistence, compelled to seek and accept of employments that are inconsistent with their habits, and derogatory with their social position as skilled mechanics.

That your Petitioners rest assured that, were protection given to the trade of this Colony, many capitalists would feel it their interest to erect factories for cottons, woollens, hardware, and other sources of industry, for which this Country possesses abundant facilities in raw material, and for which many thousands of skilled workmen could be obtained at fair remunerative wages; and when a few years of active industry would enable this Colony to compete with foreign markets, then would free trade become a blessing, instead of what it has hitherto been—a drawback on the Revenue, and a positive and palpable injury to the majority of its inhabitants.

That as the mechanics and labourers of New South Wales contribute, by their labour, to the support of the State, they conceive it consistent with strict justice that the foreign operator or importer should, by an equitable tariff, be compelled to contribute to the same end.

That many of your Petitioners were seduced from their home and friends by the erroneous and delusive representations of the Agents sent Home by the late Government, who, in their lectures on Emigration, represented the trade of this Colony as in a most flourishing condition, and thereby induced many persons to resign the peace and comforts of home for the miserable and precarious subsistence to be obtained by any branch of trade in this Country.

Under these circumstances, your Petitioners respectfully request your Honorable House will take the subject of protection to the trade of New South Wales into your serious and favourable consideration, and by passing a measure to that effect confer a lasting blessing on the colonists at large.

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

[Here follow 138 Signatures.]

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROPOSED NEW TARIFF.
(PETITION—MERCHANTS AND OTHERS.)

Ordered by the Legislative Assembly to be Printed, 29 December, 1863.

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

The Petition of the undersigned Merchants and others :—

Your Petitioners have perused with mingled feelings of apprehension and dismay the Tariff proposed by the Honorable the Colonial Treasurer, more particularly that portion of it relating to the imposition of *ad valorem* duties.

Your Petitioners submit to your Honorable House, that the measure proposed will at once and for ever annihilate the trade of this Colony with Queensland, New Zealand, and the Islands of the Pacific, will encourage illicit distillation, and will increase the existing inequality in the incidence of public burthens.

Your Petitioners would further point out that the trade lost to the Colony will be directed to the sister Colonies of Victoria and Queensland, while it will be out of the power of any legislation to prevent smuggling across the Borders.

Your Petitioners, therefore, respectfully entreat your Honorable House to devise some other more enlightened scheme of taxation, to supplement the deficiency that exists in the Public Revenue.

And your Petitioners will ever pray.

Sydney, 3rd December, 1863.

[*Here follow 543 Signatures.*]

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROPOSED NEW TARIFF.
(PETITION—MERCHANTS AND BANKERS.)

Ordered by the Legislative Assembly to be Printed, 5 January, 1864.

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

The Petition of the undersigned Merchants and Bankers :—

Your Petitioners beg to submit to your Honorable House the great inconvenience and, in some instances, absolute impediment to trade, caused by the uncertain state of the Tariff, and the collection of a higher duty on some articles, before your Honorable House has sanctioned its imposition.

Your Petitioners beg further to submit, whilst the collection of any proposed new duties, or an increased rate of such duties, anticipatory to the same being adopted by your Honorable House, may be deemed expedient when immediate legislation is contemplated, the present prolonged suspense is causing great injury to commerce, and the concomitant loss to revenue enhanced by the adherence to a part of the proposed new Tariff and the provisional abandonment of another.

Your Petitioners, therefore, humbly pray that your Honorable House will cause the present restriction to trade to be removed, by collecting the legal and recognized duties until your Honorable House may, in its wisdom, deem it expedient to alter the Tariff.

And your Petitioners will ever pray.

[Here follow 39 Signatures.]

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROPOSED NEW TARIFF.

(PETITION—CONSUMERS OF BOOTS AND SHOES.)

Ordered by the Legislative Assembly to be Printed, 19 January, 1864.

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

The Petition of the undersigned consumers of Boots and Shoes.

Your Petitioners view with alarm the proposed import duty on boots and shoes, and respectfully submit to your Honorable House,—

That the operation of such a duty will be injurious in the extreme, and productive of great expense and inconvenience to your Petitioners.

That it has been ascertained, and is beyond question, that the Boot and Shoe makers of this Colony cannot compete with the English manufacturers in any other than men's strong bluchers, of which description fully the half of those consumed are imported; other boots, for men's wear, are occasionally made here, but at rates so high as to be beyond the means of the majority of consumers. The Colonial rates of wages, and the absence of suitable workmen, almost entirely prevent the manufacture of women's and children's goods.

That, at the present time, and for some years past, fully one-third of the boots and shoes imported to this Colony are, and have been, upon arrival, sold by auction, or otherwise, on account of the English manufacturers, at such rates as admit of their being retailed to consumers at and under English cost, thereby keeping a wholesome check upon the prices of importers of regular and more suitable goods.

That it is within the recollection of your Petitioners that, when the importations of boots and shoes consisted only of such as were ordered from the Colony, the retail prices were very much higher than they are now, when the market is supplied with goods at the risk and loss of the English manufacturer, as well as those specially on Colonial account.

That the imposition of the proposed duty will prevent English manufacturers sending their surplus stock to this market, thereby leaving consumers to the mercy of the regular importers,

That the additional cost to consumers will be heavy and immediate, and most felt by those least able to bear the burden (for at the present time the cost of boots and shoes forms one of the largest items of domestic expenditure); and should the proposed duty become law, the consumption will at once be decreased, and many of your Petitioners will be compelled to regard boots and shoes as luxuries beyond their means, thereby training their barefooted children to habits of carelessness, and inducing a most undesirable want of self-respect.

Your Petitioners therefore humbly pray, that your Honorable House will not assent to the imposition of any duty on imported boots and shoes.

And your Petitioners will ever pray.

[Here follow 2,601 Signatures.]

1863-4.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PILOTS, LIGHT-HOUSES, AND HARBOURS.

(VISITS AND INSPECTIONS BY SUPERINTENDENT OF.)

Ordered by the Legislative Assembly to be Printed, 20 April, 1864.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 13 April, 1864, That there be laid upon the Table of this House,—

“ A Return shewing the number of times, during the last
“ twelve months, that the Superintendent of Pilots, Light-
“ houses, and Harbours, has visited and inspected the
“ following Harbours, Pilot Stations, and Light-houses :—

<i>Harbour and Pilot Stations.</i>	<i>Light-houses.</i>
“ Newcastle.	Newcastle.
“ Manning River.	Cape St. George.
“ M'Leay River.	Port Stephens.
“ Clarence River.	Port Jackson.
“ Richmond River.	Light-ship “ Bramble.”
“ Port Macquarie.	Fort Denison.
“ Moruya.	Gabo Island.
“ Wollongong.	Wilson's Promontory.
“ Kiama.	Kent's Group.
“ Bellambi.	King's Island.”
“ Jerringong.	
“ Twofold Bay.	

(Mr. Lucas.)

PILOTS, LIGHT-HOUSES, AND HARBOURS.

RETURN shewing the number of times, during the last twelve months, that the Superintendent of Pilots, Light-houses, and Harbours, has visited and inspected the following Harbours, Pilot Stations, and Light-houses :—

Harbour and Pilot Stations.

Newcastle. Twice.
 Manning River. Not visited.
 M'Leay River. Once.
 Clarence River. Twice. Could not land once. Made a survey and report of the Bar, relative to the Government Works there, on the second visit.
 Richmond River. Once. Could not land on account of the heavy sea on the Bar.
 Port Macquarie. Once.
 Moruya River. Twice.
 Wollongong. Once.
 Kiama. Not visited in this period ; having inspected the Port in March, 1863.
 Bellambi. Sighted the mooring buoys once.
 Jerrington. Not visited in this period ; having inspected the Port in March, 1863.
 Twofold Bay. Not visited. Under orders to inspect this Port after the Estimates are passed.

Light-houses.

Newcastle. Once.
 Cape St. George. Not visited.
 Port Stephens. Not visited.
 Port Jackson, "Bramble" Light-ship, Fort Denison. No record kept of the numerous visits made to these Lights.
 Gabo Island, Wilson's Promontory, Kent's Group, King's Island. Not under the Government of New South Wales.

NOTE.—It is proper to state that I did not visit and inspect the Manning River Pilot Station, nor the Light-houses at Cape St. George and Port Stephens, within the period specified in this Return, from the circumstance that, in the year 1862, whilst engaged in the coast survey, I had the opportunity of visiting these places.

FRANCIS HIXSON,
 Superintendent of Pilots, Light-houses, and Harbours.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

NEWCASTLE.

(HARBOUR AND PILOT ESTABLISHMENTS AT.)

Ordered by the Legislative Assembly to be Printed, 5 August, 1863.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 28 July, 1863, That there be laid upon the Table of this House,—

“ A Return shewing,—

“ (1.) The Expenses of maintaining the Harbour and Pilot
“ Establishments at Newcastle, during the years 1860, 1861,
“ and 1862, respectively.

“ (2.) The amount of Fees received by the above Establish-
“ ments during the same periods.”

(Mr. Hannell.)

NEWCASTLE.

A. RETURN shewing,—

(1.) The Expenses of maintaining the Harbour and Pilot Establishments at Newcastle, during the years 1860, 1861, and 1862, respectively.

1860.	1861.	1862.	TOTAL.
£ s. d. 2,422 19 10	£ s. d. 3,130 5 6	£ s. d. 3,323 9 7	£ s. d. 8,876 14 11

(2.) The amount of Fees received by the above Establishments during the same periods.

YEARS.	PILOTAGE.	HARBOUR DUES.	TOTAL.
	£ s. d.	£ s. d.	£ s. d.
1860.....	3,194 5 0	501 15 0	3,696 0 0
1861.....	2,338 2 0	292 15 0	2,630 17 0
1862.....	4,440 4 4	524 15 0	4,964 19 4
£	9,972 11 4	1,319 5 0	11,291 16 4

T. W. SMART.

*The Treasury, New South Wales,
4 August, 1863.*

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

H A R B O U R D E F E N C E S ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
9 *September*, 1863.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1863.

[*Price*, 1s. 8d.]

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1863.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES No. 6. WEDNESDAY, 1 JULY, 1863.

19. Harbour Defences :—Mr. Macleay moved, pursuant to notice,—

(1.) That a Select Committee be appointed, with liberty to send for persons and papers, to inquire into, and report upon, the present state of the Defences of Port Jackson, and the best means of effectually guarding the Port and City of Sydney from Foreign attack.

(2.) Such Committee to consist of Mr. Cowper, Mr. Arnold, Mr. Eagar, Mr. Egan, Mr. W. Forster, Mr. Martin, Capt. Moriarty, Mr. Piddington, Mr. Sadleir, and the Mover.

Debate ensued.

And Mr. Dalgleish requiring that the said Committee be appointed by Ballot,—

Question (*as by consent amended*), viz. :—That a Select Committee be appointed, with liberty to send for persons and papers, to inquire into, and report upon, the present state of the Defences of Port Jackson and other Harbours in the Colony, and the best means of effectually guarding them against Foreign attack—put and passed.

Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed :—Mr. Macleay, Mr. Eagar, Mr. Sadleir, Mr. W. Forster, Mr. Egan, Mr. Martin, Mr. Arnold, Mr. Piddington, Mr. Cowper, and Capt. Moriarty.

VOTES No. 10. WEDNESDAY, 8 JULY, 1863.

3. Harbour Defences :—Mr. Macleay, with the concurrence of the House, moved, *without Notice*, That all Plans, Papers, Reports, Correspondence, or other documents relative to the Harbour Defences, which have been at any time laid upon the Table of this House, be referred to the Committee now sitting on the Harbour Defences.

Question put and passed.

4. Members of Legislative Council as Witnesses :—Mr. Macleay 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 present State of the Defences of Port Jackson, and other Harbours in the Colony, and the best means of effectually guarding them against Foreign attack,” and that Committee being desirous to examine the Honorable Edward Wolstenholme Ward, Captain R.E., and the Honorable Robert Towns, Members of the Legislative Council, in reference thereto, requests that the Legislative Council will give leave to its said Members to attend, and be examined by the said Committee, on such day and days as shall be arranged between them and the said Committee.

Question put and passed.

*Legislative Assembly Chamber,
Sydney, 8th July, 1863.*

Speaker.

* * * * *

10. Members of Legislative Council as Witnesses :—The Speaker reported the following Message from the Legislative Council :—

MR. SPEAKER,—

In answer to the Message from the Legislative Assembly, dated the 8th July, 1863, requesting leave for the Honorable Edward Wolstenholme Ward, Captain R.E., and the Honorable Robert Towns, 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 present state of the Defences of Port Jackson, and other Harbours in the Colony, and the best means of effectually guarding them against Foreign attack,” 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, 8th July, 1863.*

T. A. MURRAY,
President.

VOTES

VOTES No. 36. FRIDAY, 21 AUGUST, 1863.

3. Harbour Defences :—Mr. Cowper (with the concurrence of the House) moved, *without Notice*, That the Despatch from the Duke of Newcastle, relative to “Contribution of Colonies to Expense of Military Defences,” laid upon the Table, by him, on the 19th August—(see *Votes and Proceedings No. 4, Entry 6*),—be referred to the Select Committee now sitting, on Harbour Defences. Question put and passed.
-

VOTES No. 46. WEDNESDAY, 9 SEPTEMBER, 1863.

7. Harbour Defences :—Mr. Macleay, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and of Evidence taken before, the Select Committee, for whose consideration and report this subject was referred on 1st July, 1863. Ordered to be printed.
-

1863.

HARBOUR DEFENCES.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 1st July last “to inquire into and report upon the present state of the Defences of Port Jackson and other Harbours in the Colony, and the best means of effectually guarding them against Foreign attack”—“with liberty to send for persons and papers;” and to whom were referred on the 8th July, “all plans, papers, reports, correspondence, or other documents, relative to the Harbour Defences, which have been at any time laid upon the Table of this House,”—and to whom, on the 21st August last, was also referred “the Despatch from the Duke of Newcastle, relative to contribution of Colonies to expense of Military Defences,”—have agreed to the following Report:—

Your Committee have taken the evidence, which is appended, of the Honorable Captain Ward, R.E., M.L.C., Captain Lovell, R.A., Captain Jenkins, R.N., the Honorable R. Towns, M.L.C., Colonel Hamilton, Mr. Liardet, Mr. Hixson, R.N., Lieut. Tomkins, R.N., and Mr. Allen, Harbour Master, Newcastle.

Your Committee have also had before them all the papers on the subject of Harbour Defences, which have been from time to time laid before Parliament, including the Report of a Select Committee of the Legislative Council appointed 12th July, 1853.

Your Committee have first directed their attention to the defences of the City and Port of Sydney, and in dealing with this question they have found it necessary to decide between two systems of defence, each supported by high professional authorities. The one, Sir William Denison’s plan, has for its object the protection of the anchorage, and is based entirely on the assumption that no effectual means could be devised of stopping an enemy at the Heads. (See Minutes of Executive Council, February, 1855.) The other system places the main defence at the entrance of the port, where the high head-lands afford the most admirable positions for batteries.

The

The first of these plans has been carried out to a certain extent. Batteries have been erected at Dawes' Point, Fort Denison, Fort Macquarie, Mrs. Macquarie's Chair, and Kiribilli Point, mounting in all about sixty guns, and if these batteries were at all sufficient for the purposes contemplated, your Committee would be indisposed to recommend any change.

It would appear, however, that not only is the state of these batteries defective—(See evidence of Captain Lovell, page 8)—but that a hostile ship can take up a position in many parts of the harbour, and within easy range of the city, without being exposed to the fire of any one of them, and that in fact there is no necessity for an attacking force to expose itself to fire unless it chooses to do so.

Captain Ward proposes, in a report on the fortifications lately laid before Parliament, to remedy these defects by the erection of iron towers, each armed with three heavy Armstrong guns, at Clark Island, Garden Island, and Goat Island. Your Committee cannot however recommend Captain Ward's proposal; it seems to them to be very costly, and to seek to continue a system of defence which, from the evidence before them, your Committee believe to have been from the first a mistake.

Almost all the highest Naval and Military authorities, who have been consulted on the subject, have advocated batteries at the Heads. The report of the Select Committee of the Legislative Council appointed 12th July, 1853, states:—

“ 1. Your Committee are of opinion that it is highly expedient
 “ to fortify the entrance to the Harbour of Port Jackson with all
 “ convenient speed, as well by fixed as by floating batteries. The
 “ former should, in the first instance, be confined to, and erected on,
 “ the sites known as the ‘ Inner South Head,’ ‘ Middle Head,’ and
 “ ‘ George’s Head.’ These points have already been laid down as
 “ desirable in a report addressed to His Excellency the Governor
 “ General by the Officer commanding the Royal Engineers in the
 “ Colony, dated March 9th, 1847. They are further insisted on by
 “ the same Officer, Colonel Gordon, in a detached report, dated 23rd
 “ November, 1848, as being in accordance with the views of
 “ Lieutenant-General Sir John Burgoyne, the Inspector General of
 “ Fortifications, in whose office plans of the several points at the
 “ entrance to and along the several inlets of the Harbour of Port
 “ Jackson are deposited.

“ 2. Your Committee have been favoured with the opinion of
 “ Captain Denham, R.N., F.R.S., and he fully bears out the views
 “ taken by the high authority above alluded to. He is impressed
 “ with the value of erecting batteries on these points, furnished with
 “ all the means that experience and recent improvements in the
 “ science of gunnery can afford.”

In

In a report, dated 31st July, 1859, addressed to His Excellency the Governor, Commodore Loring, after commenting on the present defences of the Harbour, makes the following remarks :—

“ But cannot the natural defences of the harbour be turned to account to *prevent* his entrance ? The shoal at its entrance, the three clifty heads which form that entrance, and the heavy swell and sea which always exist there, are very great local advantages.

“ The batteries, as formerly proposed, would scarcely be sufficient to stop swift steamers ; and, again, a boom would not be sufficient, if undefended ; but the two combined would be a very serious impediment to the present class of ships.

“ The harbour’s mouth, from the point outside Camp Cove to George’s Head, is 1,700 yards across. One-half of this, or even much more, could be partially stopped up with stone, and this without causing any very material alteration in the practical navigation of the entrance beyond an increase of the strength of the tide-stream.

“ Strong booms composed of chain cable, floated by light wood, could be prepared, and kept on a convenient part of the beach during time of peace, and ready for service in time of war, to be hauled over to George’s Head or Obelisk Point at night, or if suspicious vessels were in the offing.

“ The *best* of guns should be mounted at the Heads, in such positions as would enable them to bear on the enemy’s ships whilst entering the Heads, and when stopped by the boom. And it would be very preferable that these guns should be detached, and masked in every practicable manner, and not too close to their work.”

Colonel Barney, R.E., says, in a Memo. dated 3rd August, 1859, for the information of Colonel Percival :—

“ In this view of the case a question arises as to the necessity for works at the entrance of the Port ; it has always been admitted that works of defence are necessary, both on South Head and Middle Head, in addition to the existing batteries, which only form a portion of the general system of works required for the protection and security of the port and city ; indeed, plans of such works have been submitted, approved, and partially carried into effect, and perhaps the great objection to their completion arose from a deficiency of military strength to admit of their being properly garrisoned.

“ The site at Middle Head appears to me to be the most important ; it not only immediately commands the approach by sea but also the entrance to and anchorage in the Sound and Middle Harbour, where vessels may, at present, ride at anchor in perfect safety, ready to intercept any ships entering the port ; the site is also most favourable, from its character—solid rock—admitting of a secure work, with ditch of sufficient depth to render it safe against
“ escalade

“escalade. Such a work would answer as a keep for the protection of batteries in its vicinity, on lower and more efficient levels, for the protection of any impediments by which it may be considered necessary to obstruct the channel; however, a work of the required strength could not be constructed without a large expenditure, both of money and time, and possibly, would not, even if immediately commenced, be ready to meet any threatened emergency.”

Major Nasmyth also in a Minute, dated 3rd August, says,—

“With reference to the scheme first stated, it occurs to me that when the additional batteries proposed to be erected by His Excellency are completed and armed, with those now in existence, there will be sufficient to deter an enemy from attempting to force his way past them, and the boom that is proposed to be thrown across from the Sow and Pigs shoal to the North Shore. However, the present batteries might be improved by having the barracks bomb-proof for the men, and the magazines rendered water-proof.”

In addition to these very high authorities, your Committee beg to call attention to the evidence of Captain Lovell, R.A., Captain Jenkins, R.N., the Honorable R. Towns, M.L.C., and Colonel Hamilton, who are unanimously in favour of placing the principal defences of the Harbour at the entrance of the Port.

Your Committee are quite aware that batteries at the Heads, however powerful, would be inadequate for the protection of the port without some effectual provision for preventing an attacking force from running past their fire. The late attack on Charlestown is a proof of this: without the obstructions placed in the way of the Federals their iron-clad ships would have run past Fort Sumter without sustaining much damage; but their detention, under the heavy fire of the fort, proved too much even for that fleet.

The plan of laying double chains across the Harbour, to be raised to the surface in time of war, appears to your Committee to be sufficient to cause the temporary detention of a ship under the fire of the batteries.

Your Committee are also of opinion that a block-ship, to be stationed in time of war in the channel as a support to the lines of chain, is a necessary adjunct to the system of defence which they propose to recommend; they therefore think it desirable that the offer of the Secretary of State, in a Despatch dated 19th March, 1863, of a sailing teak-built ship of 2,000 tons, should be accepted.

Your Committee have considered the offer made by the Lords Commissioners of the Admiralty, of a powerful steamship, on condition of its being converted into an iron-cased battery, but they are not disposed to recommend, for the present, the use of iron for our defences. The batteries at the Heads will be so elevated as not to require such protection, and the cost of plating the block-ship need scarcely be incurred, until we may expect to have to contend with iron-clad ships.

Your

Your Committee have determined, after due consideration, not to recommend the erection of any fortifications at Botany. They think that a road to the south head of the bay, to enable field guns to dislodge any ship which might seek shelter there, is all that is required for the present. They are of opinion that a force large enough to attack by land, with any chance of success, a city with the population and resources of Sydney, would choose rather to storm the battery at Middle Head, than to subject itself to the heavy loss which it must sustain in a march from Botany to Sydney in the face of a large body of riflemen.

Your Committee make the following recommendations for the defence of the Port and City of Sydney.

1. Fifteen guns, to be mounted on Middle Head—twelve 68-pounder guns, and three 100-pounder Armstrong guns, placed so as to command the entrance to the Harbour, and the channels on each side of the Sow and Pigs Shoal ; the battery to be furnished with furnaces for red hot shot, and to be protected from assault by a deep ditch and loop-holed wall, extending from Obelisk Bay to the nearest point of Middle Harbour. The permanent garrison not to be less than 25 men, with barrack room for 150 men.
2. Ten guns (68-pounders,) to be mounted on the Inner South Head, to command the entrance between the Heads, the mouth of Middle Harbour, and the passages by the Sow and Pigs Shoal. This battery also to be furnished with furnaces for red hot shot, and to be protected by a ditch in rear. Permanent garrison 20 men ; barracks for 100 men.
3. Two heavy chains to be laid down from George's Head to the Sow and Pigs, and from the Sow and Pigs to Green Point, to be raised in time of war to the surface, and strongly secured—a portion of the west channel under George's Head, to remain open, excepting in presence of an enemy.
4. A block-ship, carrying at least 20 heavy guns, to be moored in time of war across the channel under George's Head, to be manned by the Naval Brigade, who would have charge of the channel obstructions.
5. The line of chain to be protected by four heavy guns on Green Point, and three on George's Head. These two batteries to be supplied only with portable or expense magazines, and to be manned from the batteries at Inner South Head and Middle Head.

6. Platforms, with earthworks and embrasures for three guns, to be placed at Shark Point and Point Piper, as positions for the 40-pounder Armstrong guns, when required.
7. Sixteen trained horses to be kept for the use of the Artillery in moving guns, and an arrangement made with the draymen of Sydney for the use of 50 more at the shortest notice.
8. A road to be made to Middle Head, and from thence to George's Head; also to Inner South Head, to Shark Point, to Point Piper, and to the south head of Botany Bay.
9. In addition to the 68-pounders and the Armstrong guns required for the above purposes, two 40-pounder Armstrong guns, and a field battery of six 12-pounder Armstrong guns to be sent for.
10. The lower battery at Dawes' Point to be reduced to twelve guns.

Your Committee would suggest that the platforms for guns at Shark Point and Point Piper should be immediately prepared, as guns in these positions will assist in making the present batteries available for defence, until the new ones are completed, and that the other recommendations should be carried out with the least possible delay.

Your Committee believe that the system of defence which they have advised, while it is scarcely more than is necessary for the security of Sydney from a small force, can easily be made sufficient against a fleet; it would only be necessary to sink ships along the line of chain, and to throw a few hundred riflemen into the forts at Middle and Inner South Heads, to enable them to hold out against an assailing force very superior in numbers.

Your Committee have also considered the question of fortifying the other seaports of the Colony, and have come to the conclusion that Newcastle is the only one which, from its wealth and shipping, is likely to attract the notice of a marauding force. They find that the citizens of Newcastle have enrolled themselves into a Volunteer force, consisting of a battery of artillery and a company of rifles, and that they are willing to protect their town and harbour from attack, if supplied with the material. Under these circumstances your Committee recommend that a battery of six 32-pounders be erected on or near Stoney Point, and that, in addition, four field guns be handed over to the charge of the Newcastle Volunteer Artillery.

Your Committee have also had under their consideration the Despatch of 26th June, 1863, from the Secretary of State, on the "Contribution of the Colonies to the Expense of Military Defence,"

which

which was referred to them by your Honorable House on the 21st of last month. It seems to your Committee that the decision arrived at by the Imperial Government, to the effect "That Colonies, such as those of Australia, enjoying entire self government, free from the presence of formidable native tribes, and free also, as occupying a vast Island, from the perils to which a land frontier exposes other communities, should undertake the sole charge of their internal defence, and that the protection of Her Majesty's Navy must be regarded as the Imperial contribution to their security," is reasonable and just, and that the terms upon which a small number of Imperial troops are offered as a nucleus for our local forces, are liberal and advantageous.

Your Committee strongly recommend the acceptance of these terms for 249 infantry, at £40 each, and for 150 men of the Royal Artillery.

WILLIAM MACLEAY,
Chairman.

*Legislative Assembly Chamber,
Sydney, 9th September, 1863.*

PROCEEDINGS OF THE COMMITTEE.

 WEDNESDAY, 8 JULY, 1863.

MEMBERS PRESENT:—

Mr. Macleay,	|	Capt. Moriarty,
Mr. Egan,		Mr. W. Forster.

Mr. Macleay called to the Chair.

Resolution of the House appointing the inquiry, by direction of the Chairman, read. Committee deliberated as to their course of proceedings.

It was Resolved:—

1. That the Chairman do move, in the House, that all plans, papers, reports, correspondence, or other documents relative to Harbour Defences, which have been at any time laid upon the Table of the House, be referred to this Committee.
2. That the usual Message be transmitted to the Legislative Council, requesting leave for the attendance of Capt. Ward and Mr. Robert Towns.

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

 TUESDAY, 14 JULY, 1863.

MEMBERS PRESENT:—

Mr. Macleay in the Chair.

Captain Moriarty,	|	Mr. Cowper,
		Mr. Piddington.

The following Papers referred,—before the Committee:—

1. Message No. 16 (29 May, 1849), from the Governor General, transmitting copies of a Correspondence with the Secretary of State for the Colonies, on the Defences of Port Jackson.
2. Message No. 24 (11 November, 1851), from the Governor General, referring to the preceding Correspondence.
3. Report from the Select Committee of the Legislative Council of New South Wales, on the Defences of Port Jackson, 1853.
4. Message No. 49 (4 October, 1853), from Governor General, referring to previous Message, No. 24 (*with enclosures*).
5. Copy of a Despatch from His Grace the Duke of Newcastle to Governor General, dated 24 February, 1854, with reference to affording protection to French and English Commerce.
6. Copy of Correspondence between the Governor General and Captain J. C. Fitzgerald, R.N., on the subject of the Defences of Port Jackson and assistance from the British Navy.
7. Despatch from His Grace the Duke of Newcastle, in reference to an Address from the Legislative Council of New South Wales, on the subject of the Defences of Port Jackson, (1854).
8. Message, No. 18 (13 June, 1855), from Governor General, laying before Council Minutes of Proceedings of Executive Council, with Estimates of Proposed Works.
9. Message No. 7 (26 November, 1856), from Governor General, submitting to the Legislative Assembly the Proceedings of the Executive Council, respecting the Defences of Port Jackson.
10. Defences of the Colony (Despatches, &c., respecting), 1859.
11. Block-ship for the Defence of the Harbour of Port Jackson (Despatch respecting), 1863.
12. Major-General T. S. Pratt to His Excellency Sir John Young, forwarding a Report and Plan of Defence for Port Jackson and the City of Sydney, by E. W. Ward, Captain, R.E., 1863.

The Honorable E. W. Ward, Captain, R.E., M.L.C., attending by permission of the Legislative Council, and Captain Charles Neville Lovell, R.A., examined.

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

 FRIDAY,

FRIDAY, 17 JULY, 1863.

MEMBERS PRESENT:—

Mr. Macleay in the Chair.

Mr. W. Forster,	|	Mr. Cowper,
Capt. Moriarty,	|	Mr. Egan,
Mr. Sadleir,	|	Mr. Arnold.

Two letters read by Chairman, excusing attendance of the Honorable Robert Towns, M.L.C., and Lieut.-Colonel Hamilton.

Captain Robert Jenkins, R.N., of H.M.S. Corvette "Miranda," called in and examined.

[Adjourned to Thursday next, at *Twelve* o'clock.]

THURSDAY, 23 JULY, 1863.

MEMBERS PRESENT:—

Mr. Macleay in the Chair.

Mr. Cowper,	|	Mr. Piddington,
Mr. W. Forster,	|	Capt. Moriarty,
Mr. Egan,	|	Mr. Sadleir.
Mr. Arnold.		

The Honorable Robert Towns, M.L.C., attending by permission of the Legislative Council, examined.

Witness produced a sketch of the Harbour, shewing the manner in which he proposed to block the entrance to Port Jackson by the eastern and western channels at Sow and Pigs.

Sketch of the Harbour, shewing plan of defence, by Julius Berncastle, also before the Committee.

Witness withdrew.

Chairman laid before the Committee the Evidence of Captain Jenkins, as returned by him after revision, with certain alterations.

Alterations allowed.

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

TUESDAY, 28 JULY, 1863.

MEMBERS PRESENT:—

Mr. Macleay in the Chair.

Mr. Egan,	|	Mr. Sadleir,
Capt. Moriarty,	|	Mr. Cowper,
Mr. Piddington,	|	Mr. Arnold.

Lieut.-Colonel Henry Mead Hamilton, H. M. 12th Regiment, examined.

Witness withdrew.

Mr. John Evelyn Liardet called in and examined.

Plans and sections of proposed iron-clad batteries, with letters, *produced*.

Witness having withdrawn,—

Committee deliberated.

[Adjourned to Wednesday, 5th August, at *Eleven* o'clock.]

WEDNESDAY, 5 AUGUST, 1863.

MEMBERS PRESENT:—

Mr. Macleay in the Chair.

Mr. W. Forster,		Mr. Cowper.
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Mr. Francis Hixson, R.N., examined.

Re-assembling of Committee to be arranged by Chairman.

[Adjourned.]

THURSDAY,

THURSDAY, 20 AUGUST, 1863.

MEMBERS PRESENT :—

Mr. Macleay in the Chair.

Capt. Moriarty,	|	Mr. Sadleir,
Mr. Piddington,	|	Mr. Cowper.
Mr. W. Forster.		

Committee met pursuant to summons.
Chairman submitted heads of Report.
The same read and considered.
Committee then decided upon taking further evidence at their next Meeting.

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

WEDNESDAY, 26 AUGUST, 1863.

MEMBERS PRESENT :—

Mr. Macleay in the Chair.

Mr. Sadleir	|	Capt. Moriarty,
Mr. W. Forster.		

Order of the House, *referring* a Despatch relative to "Contribution of Colonies to Expense of Military Defences," together with printed copies of the Despatch—before the Committee.

Capt. Moriarty drew the attention of the Committee to an accidental omission from the Minutes of Evidence, of a Question put by him to Capt. Ward, in his examination before this Committee.

Committee deliberated, and—

Capt. Moriarty stating that the Question he put on that occasion was to the following effect, viz. :—

"Whether he (Capt. Ward) had ever visited Sebastopol, Cronstadt, Cherbourg, Brest, "Ferrol, Corunna, Cadiz, Carthage, Toulon, Malta, or Gibraltar—to which his answer "was, that he had never seen either of these places,"—

Ordered,—That the above statement appear on the proceedings of the Committee.

Lieut. Tomkins, R.N., called in and examined.

Witness withdrew.

Mr. David T. Allan, *Harbour Master, Newcastle*, called in and examined.

Chart of the Harbour of Newcastle, N.S.W., *produced*.

Witness withdrew.

Committee deliberated, and—

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

WEDNESDAY, 2 SEPTEMBER, 1863.

MEMBERS PRESENT :—

Mr. Macleay in the Chair.

Mr. Piddington,	|	Capt. Moriarty,
Mr. Egan.		

Proceedings of the last meeting, by direction of the Chairman, read by the Clerk.

Chairman submitted Draft Report.

Same read 1°.

Committee deliberated.

Motion made (*Capt. Moriarty*) and *Question*,—That the Report just read, be printed and *circulated* amongst the Members of this Committee, prior to its consideration paragraph by paragraph—*agreed to*.

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

TUESDAY,

TUESDAY, 8 SEPTEMBER, 1863.

MEMBERS PRESENT:—

Mr. Macleay in the Chair.

Mr. Egan, | Capt. Mariarty,
Mr. Piddington.

Printed copies of Draft Report before the Committee.

Committee deliberated.

Draft Report read 2^d paragraph by paragraph.

Several amendments made.

Motion made (*Mr. Egan*) and *Question*,—That the Report, as amended, be the Report of this Committee—*agreed to*.

Chairman to report to the House.

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1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

HARBOUR DEFENCES.

TUESDAY, 14 JULY, 1863.

Present :—

MR. COWPER,
MR. MACLEAY,CAPT. MORIARTY,
MR. PIDDINGTON.

WILLIAM MACLEAY, ESQ., IN THE CHAIR.

The Honorable Edward Wolstenholme Ward, Captain, R.E., M.L.C., called in and examined :—

1. *By the Chairman* : You are a Captain of Royal Engineers? Yes.
2. You have frequently, I believe, as an officer of Engineers, been called upon to report upon the defences of this harbour? Not of this harbour, except with respect to such repairs as the existing batteries might require, until Major General Sir Thomas Pratt coming here upon a visit, I went round the fortifications with him, as a matter of courtesy, and he then asked me if I would give my opinion as to the defences of the port. That led to my writing the report which has been published and laid before the two Houses of Parliament.
3. *By Mr. Cowper* : This is really the first full report that you have made upon the general question of the defences of this harbour? Yes; the other was simply with respect to repairs—more in the nature of an annual report that a Commanding Engineer generally gives.

The Hon.
E. W. Ward,
R.E., M.L.C.

14 July, 1863.

4. *By the Chairman* : Can you inform the Committee what the present batteries are and their strength? They are detailed in my report, as follows :—

“ The works which have been constructed for the defence of the city and anchorage
“ are—

- “ 1. *Dawes' Battery*.—Consisting of an upper semi-circular earthwork, armed with five
“ 42-pounders, mounted *en barbette* on traversing platforms; and a lower earthwork,
“ of the character of an indented line, with a ditch in front, armed with fifteen
“ 32-pounders, of which two are mounted *en barbette* on traversing platforms, and
“ thirteen on standing carriages in embrasures.
- “ 2. *Kirribilli Point Battery*.—A work built of masonry on the water's edge, armed with
“ five 8-inch guns on traversing platforms.
- “ 3. *Fort Denison*.—A work in masonry, situated on the water's edge, in the midst of the
“ harbour. It consists of an open line or face, flanked on the north by a tower or
“ keep. On the face are nine 32-pounders, in embrasures, mounted on dwarf
“ traversing platforms, and two 10-inch guns mounted *en barbette* to sweep the
“ harbour on the south flank of the battery. Within the tower are three 32-pounders
“ on standing carriages, and one 12-pounder carronade. On the top of the tower is
“ an 8-inch gun, *en barbette*, on traversing platform.
- “ 4. *Macquarie Point Battery*.—A simple line or face of earthwork, with a ditch in front.
“ It is pierced with eight embrasures, and designed for an armament of eight
“ 32-pounders and two 10-inch guns; the latter mounted *en barbette*, one at each
“ extremity of the battery.

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“ 5.

The Hon.
E. W. Ward,
R.E., M.L.C.
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“ 5. *Fort Macquarie*.—Consisting of an inner quadrangular work, approachable through
“ a tower and over a drawbridge, and an outer face or flank; the whole on the water’s
“ edge. The former work is armed with eight 24-pounders *en barbette*, on traversing
“ platforms, and three 24-pounders in embrasures, on standing iron carriages. The
“ outer work contains five 42-pounders on dwarf traversing platforms, placed in
“ embrasures.”

5. Do you consider these works, in their present state, of much service for the defence of the harbour? I think the positions very fairly chosen; some of them might have been improved, but not without a good deal of extra expense. As a whole, I did approve of the existing works at the time they were originally designed, because at that time there were no guns of very heavy calibre invented, and iron-plated ships were not then generally considered available for offensive warfare.

6. In what year was it? In 1855.

7. At that time there were no long range guns? The most perfect gun in those days, for the use of men-of-war, was considered to be the 32-pounder, and occasionally the heavy 68-pounder for the larger class of vessels.

8. Do you consider these fortifications sufficiently complete to be used against any ordinary force that is likely to be brought against them? I think they would give a good account of any one ship that was not ironclad, provided that ship did not come behind Garden Island, or take shelter in some cove where the batteries could not reach her. I do not think a ship could come and attack any one of these batteries with impunity from a short distance.

9. Would it be necessary for a ship to attack them if she wished to injure the town or shipping? No; a ship could go into some of the bays and bombard the town or shipping.

10. Could not a ship lie immediately below Bradley’s Head, out of reach of the present batteries, and bombard the town? That is two miles off. I think the danger to be apprehended from a ship lying there and shelling the town has been overrated; because, in the first place, the ship could not see the town, and shelling a town that you cannot see is not likely to produce any great effect; and in the next place, because any ship lying there could be dislodged by taking a gun or two over to the North Shore, and firing upon her from the heights near Bradley’s Head, which might be done with perfect impunity to the men working the gun on shore, on account of the great elevation.

11. How long do you suppose it would take to do that? I think there is a road nearly all the way, but the question how long it would take to get a gun in position over there, depends very much upon the state of our supply of artillery carriages. That is a question I am hardly able to speak upon. Captain Lovell may be able to tell you what guns and carriages he has at his disposal. The guns taken over there would not need to be put behind any defence at all, beyond a few sandbags perhaps, because they would be so high as to be out of the reach of the fire of any ship.

12. Then you think that, for immediate purposes, to provide against the chance of an enemy’s ship coming in within the next few months, before anything else can be done, it would be sufficient to make the present batteries useful, to take a gun to the North Shore to dislodge any ship attempting to shell the city from behind Bradley’s Head? If we were able to man the present batteries, and if the stores and magazines were put in good order, I think the present batteries would give a very good account of any one ship.

13. All that would be necessary would be to provide for dislodging her from behind Bradley’s Head? No, I think a ship might get behind Garden Island. There is not one battery that would bear on a ship behind Garden Island; but you could dislodge a ship from there by taking guns to Potts’ Point.

14. You are aware that some 40-pounder Armstrong guns have arrived here lately? Yes.

15. The range of these guns is very great—is it not? The 40-pounder land service Armstrong gun is put down as having a range of 3,800 yards, with an elevation of ten and a half degrees. The effective range of that gun would be something like one-third of that.

16. Over a mile? You might say a mile—up to a mile.

17. With guns of that range, I presume a vessel might be attacked from some of the points on the Sydney side of the harbour, so that she could not lie in safety under Bradley’s Head—from Darling Point, for instance? I think there is a point at Sir Daniel Cooper’s place from which we could reach them very nicely. Darling Point is just a mile from Bradley’s Head, but if the vessel anchored in Taylor Bay that would be another half mile—some considerable distance further, at any rate; but she might be reached from Sir Daniel Cooper’s place.

18. It would be a mile and a quarter, probably, to where a ship would lie, because a ship going far into Taylor Bay would be surrounded by hills and could not do any damage? No doubt.

19. Under present circumstances could not one or two ships manage to run past the batteries—the whole of them—without much risk? Yes, I think they could, under favourable circumstances, run past into Darling Harbour, as the matter stands at present; but a gun from Fort Phillip would very soon dislodge them from there. None of the existing batteries would bear upon a vessel when once she had got into Darling Harbour.

20. A steamer could run past the batteries in such a short time that the probability is that very few shots could be put into her while running past? I think a steamer could run past, and go down there at the rate of twelve knots an hour; the passage is a very clear one, and once past Dawes’ Point there is nothing to bear upon her.

21. You have, in your report, suggested some additions to the present batteries, which, in your opinion, will make them sufficient to act against any force that we may expect to arrive in this Colony? Yes, I have recommended one or two towers.

22. Will you mention what you have recommended? I recommended a tower on Clark Island,

Island, to carry some three guns of the heaviest calibre now made; a similar tower for Garden Island, and a similar tower for Goat Island. If you choose to go any further, a small tower might be put at the Heads, if it is thought advisable to try to damage a vessel coming in in a sea-way. I have also recommended that a gun be put on Fort Phillip, of heavy calibre. I think these four towers, and this one gun, would touch up one vessel or more in any creek or cove that is within bombarding range of Sydney.

The Hon.
E. W. Ward,
R.E., M.L.C.

14 July, 1863.

23. I see you estimate the cost of these three towers at something over £70,000? £75,000. That has been simply a guess. I have not even gone into the design of the towers. The guns would cost a good deal out of the sum named.

24. Supposing that your recommendations were adopted, what time do you think it would be before the batteries were completed, and the guns brought out and mounted? I have not made sufficient inquiry on this point to give a definite answer.

25. I presume it would take two years to build the forts? Yes.

26. You propose to get 600-pounder Armstrong guns—have any 600-pounders yet been made? I think they have by this time; the last accounts speak of their being manufactured. In the meantime 300-pounders would do very well, or in their place the heaviest guns you can obtain.

27. With the present demand for such guns, what chance have we of getting even 300-pounders? I am hardly able to speak of the probability of our getting them; but I should think by the time we have the towers ready for them they might be had.

28. There have been many suggestions made as to placing the defences of the harbour near the Heads—have you paid attention to that part of the subject? Yes, I have considered it a good deal—whether the harbour should be fortified at the Heads or at the anchorage—and I have come to a very decided opinion that the anchorage should be first provided for. As far as fortifications at the Heads are concerned, I believe we could not fortify three better positions than the Middle Head, the Inner South Head, and the Sow and Pigs. Of these three batteries by far the most important would be that on the Sow and Pigs, because it would take a vessel end on as she was coming in, and when her fire could not be made to bear on the battery. She could only fire upon the battery when just passing, and then the gunners might retire for a time, if it were thought desirable, and attack the ship again after she had passed, all the way to Bradley's Head. It is under such circumstances that a ship engages a battery at a great, perhaps the greatest disadvantage. The other batteries might be considered auxiliaries to the one on the Sow and Pigs, inasmuch as they would prevent any vessel from bringing up opposite the Sow and Pigs battery in order to batter it down.

29. You have not recommended that system because you thought the anchorage should first be protected? Yes. I think whatever batteries you put at the Heads, a vessel could run in at night with the greatest ease; there is a clear channel all the way, and once past the batteries they would be of no use.

30. If any means were adopted to prevent a ship getting up then, I presume there would be no necessity for having batteries at the anchorage? I have thought of several means of doing that, but I do not know of any that I would recommend.

31. You have been at Middle Head, I presume? Yes.

32. Some works were commenced there? Yes.

33. Of what nature? A work for thirty guns was proposed by Colonel Barney, to bear on any vessel coming in, and also upon any vessel attempting to attack the Sow and Pigs battery, which was also proposed at the same time. No doubt it would be a very strong battery, but so large a number of guns would require a large number of men to work them. There must be a large number of guns there if it is attempted to defend the passage, because a vessel running in would pass so quickly that only one or two shots out of each gun could be had at her.

34. If the passage were temporarily stopped, would not a few guns on that Head, immediately above the passage, prevent any ship from attempting to force it? I do not know how you could temporarily stop it without great disadvantage to your own trade. If you block up the channel by sinking vessels, you stop your own ships from coming in.

35. If an iron-clad ship were moored across the passage—? That would answer the same end as the battery on the Sow and Pigs; but that iron vessel would cost a great deal to keep, and thus you would be paying a very large sum, annually, for insuring your property.

36. I presume the guns on Middle Head could be depressed sufficiently to fire upon a ship attempting that passage? Yes, no doubt; on shore you can depress or elevate your guns as much as you like almost.

37. A ship could not return the fire? Not with any effect.

38. Then, if a battery were put there to attempt to stop the passage, it would be necessary to take some steps to prevent the battery from being assaulted in the rear? Yes, that would be no great matter of difficulty I fancy, unless the enemy landed a very strong force.

39. You see that point (*referring to the map*) between Obelisk Bay and Hunter Bay—would it not be very easy to entrench that so that a few men could hold it against a very considerable number? Yes, there would be no difficulty in making the battery unassailable.

40. I mean without any costly buildings or forts? You could prevent it being taken by assault by putting a deep ditch round it. There would be no difficulty in fortifying it so that it could not be taken by any moderate number of men.

41. I see you estimate the cost of a block-ship at something like £10,000 a year? Yes.

42. That is, supposing it is always kept fully manned? No, I took the figures for that estimate from the report that the Commission at Home laid before the House of Commons. They estimated that the maintenance of a vessel, exclusive of manning it, would cost $7\frac{1}{2}$ per cent.

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cent. on the original cost. That block-ship would not cost less than £100,000, armour and all, and $7\frac{1}{2}$ per cent. on that would be £7,500 a year. You must use her engines once a fortnight, or once a month, at all events, and also keep her partially, if not fully manned; and the wages of the men could not be less than £2,500 per annum.

43. That is supposing we have a costly steamship, such as the "Brunswick"? Yes, I am speaking with reference to the "Brunswick."

44. If she were merely an ordinary strong wooden hulk, covered with iron, and moored across the passage, her maintenance would not cost much? A hulk without steam power?

45. A hulk without steam power? No doubt a hulk without steam power would not cost so much; but it would cost a good deal in the first instance to coat her with iron, and vessels coated with iron do not promise to last very long. The vessel itself, if it were simply a dead hulk, would not cost much in keeping up—not much more, probably, than the "Harmony" does—but it would be a lumbering thing, and in case of attack from an enemy you would have to anchor it in the narrowest part of the channel, and you could not afterwards move it—you could not move it under fire, because a steamer trying to move it would be sunk immediately; and if it could not be moved you would be liable to have the hulk enfiladed, or raked by a steamer taking up a position with that object.

46. I am supposing the hulk would be moored across the entrance of the harbour? Yes, then it would be simply an iron floating fort, in no way more effective than a well-placed land battery, but more expensive and more assailable.

47. I assume that she would be moored across the entrance with chains, so as to stop the passage? Mooring with chains for this purpose would not be so very easy.

48. What is the actual width of the passage at the Sow and Pigs? The distance for a chain would be half a mile. You must secure it to the shore, and whichever way you measure, you will find it is half a mile from the shore to the lightship. A chain of half a mile would give some trouble to support it, and unless strongly defended by a superior force it could be cut and set adrift. A chain is no good unless it is well defended, and the defence must be by a superior force, or else it would be only necessary for an enemy to silence the batteries, and then cut the chain.

49. According to the system you recommend, you believe that the force we at present have in the country, of different arms, would be quite sufficient for the defence of the place? Yes, especially in artillery. We have rather more artillery than would be required to man these towers; but I assume that those not required for that purpose would be employed as field artillery, to take guns to different places, as they might be required.

50. Would ten men be sufficient for a 600-pounder gun? Yes, I think so. So much can be done by means of hydraulic machinery on shore that you could probably move them almost as easily as you could wind up a clock.

51. Would ten men be sufficient to man such a gun in action? Yes, I think so. I speak without positive information, but I have no doubt of it in my own mind.

52. I see you suggest that the batteries themselves should be clad with iron? Yes; in fact I would build the batteries almost entirely of iron. They could, I understand, be built of iron as cheaply as of stone now, and you could then have the parapets of much less thickness, and there would be much more play therefore for the guns with less opening of embrasure, if you put them in embrasure. I would have them of solid iron in all the exposed parts.

53. These towers you speak of? Yes, I would have them of solid iron.

54. Do you think that the fortification of the Heads at Botany, or any portion of Botany Bay, would be a necessary part of the defences of Sydney? That enters on another question altogether. What is it you wish to guard against? If it is merely an attack upon Sydney Harbour by one or two privateers, you need not defend Botany; but if you expect a large force to be landed and marched upon the city, you must defend Botany Heads and other harbours besides; you must also defend all the main roads to Sydney.

55. I rather mean with a view to any injury that might be done by one or two ships—they could not shell the town from Botany, of course? No.

56. But by destroying the Waterworks, as suggested by one Member of the Assembly, they might compel the town to submit to any terms? I do not think they could destroy the Waterworks. I fancy the Waterworks are a long distance away from any place where a ship could lie in Botany Bay; and we have troops enough to defend them from any small force that might be landed to destroy them. However, if there is danger of the machinery being injured by the fire of a vessel anchored in the bay, it might easily be protected by a bomb-proof casemate. I do not think we need be at all afraid for the Waterworks.

57. Have you been at Newcastle? Yes.

58. Have you examined that harbour with a view to fortifying it? No.

59. You could not make any suggestion in that respect? No, not at the moment—no suggestion that would be worth much.

60. *By Mr. Cowper*: I see you say in your report, page 5, "These considerations"—alluding to something you had said before—"these considerations tend to make the defence of the city against any attack by sea a comparatively simple and inexpensive matter"—you allude, I suppose, to your suggestion that £70,000 would accomplish all that is immediately necessary? Yes, without keeping up a force of more than 100 artillerymen. The present batteries would require some 800 artillery to man them effectively, whereas these towers could be easily manned by 100 men, and that would be comparatively inexpensive. The forts once built would cost comparatively little to keep in repair. A few of the water police might live in them, and the stores might be kept locked up, perfectly dry; so that the annual expense of maintaining these towers would be next to nothing.

61. Since you wrote this report, has anything occurred to you, on reconsideration, that you desire to amend, or is there anything that you desire to add to it? No, I do not think there

is anything to add to it. Subsequent events have rather confirmed me in the opinion I formed at that time. Every day, guns are becoming more powerful, and the general effectiveness of iron-clad ships is a problem yet to be decided—whether, for instance, they can go any great distance to sea. Everything that has occurred since I wrote this report has shewn that land defences for harbours against attacks from sea, are becoming more and more simple. I do not mean that these particular towers are the only defences necessary, because I think temporary expedients might be resorted to, on the approach of an enemy, to make the entrance of the harbour difficult; for instance, comparatively light artillery might be employed to attack vessels passing particular positions; vessels might be moored across narrow parts, to make the channel more intricate; and explosive compounds might be floated, so that vessels coming against them would be liable to injury. In various ways like that, temporary expedients, which an engineer would suggest according to the means at his command, might be adopted, but they do not come within the meaning of a permanent system of defence.

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62. Supposing the English Government were engaged in war with any other power, and we apprehended an immediate attack, is there anything that you would advise to be done at once to guard against it? You mean, supposing we heard of war being declared by the next mail?

63. Or now—some persons think that war is impending—without waiting for the actual outbreak, do you think there is anything we could do at this moment? A good deal depends on what we have at command; an engineer is obliged to use what comes to his hand at the particular moment. If you had some hulks you might anchor them across the channel, and you might knock up a temporary battery on Chowder Head, or thereabouts, to attack a vessel trying to thread the tortuous channel between these hulks. Beyond expedients of that sort I do not think I would be inclined to suggest anything else. A good deal would depend upon what we have available.

64. Do you think it desirable that the Government should send Home for any more Armstrong guns, either of the same size as those we have at present, or larger? No, I would rather wait a little and get guns of the very heaviest calibre. I would ask for a 300-pounder certainly if we could get it.

65. How many of those would you advise to be sent for? If you agree to put a fort on Garden Island, I would certainly send for three, at all events, as a start.

66. Three 300-pounders? Three 300-pounders; and I would commence the work on Garden Island at the same time.

67. What about Clark Island? Clark Island I would take next. Three large guns would be required for that. I have recommended one 600-pounder and two 300-pounders; but I suppose we would not get the 600-pounder at present, and therefore I would take three 300-pounders; and as time goes on, we could change one of the 300-pounds for a 600-pounder in each tower. The way in which I would proceed with these works would be this: I would build first the work on Garden Island, because I think that would add materially to the defences of the harbour; it would strengthen Fort Denison; it would strengthen Kiribilli Fort; it would strengthen, in fact, every battery in that part of the harbour. Then I would go to Clark Island, by way of providing against the contingency of vessels anchoring near Bradley's Head—though I confess I do not estimate very largely the danger to be apprehended from a vessel taking up a position there. After that you might, if you liked, put that one tower at the Heads, and afterwards proceed with the one at Goat Island. These works need not all go on together. I do not think it would be necessary to have them all erected at the same time; but when you got them all completed you would be able to give up and dismantle some of the present forts.

68. You do not consider a fort on the Sow and Pigs so immediately pressing? I think that to commence there would be beginning at the wrong end. It would be like constructing an outwork when you have not the means of supporting it; it would be like an army of all skirmishers and no main body or reserve. Any vessel might in the night run past the Sow and Pigs, whereas if you defend the anchorage you might sink any vessel that occupied it for half-an-hour. Of course I have no objection to a tower on the Sow and Pigs, except that I think it more important that the others should be constructed first.

69. You still entertain the same opinion with regard to the purchase of a block-ship—that it would be an expense disproportionate to the advantage to be derived? Certainly I do, with respect to the "Brunswick." As to the other block-ship that was offered, it might be desirable to take it as a gift, especially if they give some guns with it, because, having started a Naval Brigade, it is desirable it should be drilled in naval gunnery, and this ship might be used as a training ship in the same way as the "Excellent" is in England; and on the expectation of war she might be anchored in some narrow part of the channel. Therefore, as a matter of policy, combined with defence, I think it might be desirable to take the other block-ship as a gift.

70. *By Capt. Moriarty*: I think I understood you to say, that in the days when these batteries were formed, you were of opinion that they were the best positions for the erection of batteries for the protection of Sydney? I do not say the best, but the best combined with economy. The position was this:—There was some £50,000 at the disposal of the Government for purposes of defence, and the question was, how to lay it out to the best advantage—whether to go on with the batteries at the entrance or to fortify the anchorage. I think the sum has been very profitably laid out, although I do not say that every battery is in the best position possible. Take Kiribilli battery for instance; I would not have chosen the actual Point for the erection of the battery. I would rather have gone a little further back, up the hill, where what was Colonel Barney's house stands. But I suppose it would have cost a good deal to have bought that, and therefore the Government bought the Point. In

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the same way with Fort Denison. Fort Denison is not strong of itself, especially with the improved weapons and means of attacking forts. It would have been better, if expense had been no object, to have placed the lower guns in casemates, and so to have given better cover to the gunners, so that riflemen from a man-of-war should not be able to pick off the men at the guns.

71. I look upon all that as irrespective of the question I ask you. If it is indispensable that a proper system of defence for the protection of the harbour of Sydney should be adopted, my question goes to this effect—was the selection made by the late Governor, Sir William Denison, the best that could have been adopted? Yes, as a whole I think it was.

72. You are of opinion that it is of advantage to protect the immediate vicinity of the town rather than the access to it? I think it is of more advantage to secure the anchorage than to attempt to secure an outpost which it is impossible to secure altogether. My argument goes upon this: that it is impossible, at any reasonable cost, or without destroying the channel, to keep ships out of this harbour, and therefore that it is better first to begin to defend the anchorage.

73. Do you imagine that the Kiribilli Battery would resist the fire of a seventy-four gun ship for twenty minutes? No, I do not suppose it would, if the seventy-four could arrive at the position for battering it unopposed.

74. Or any of the batteries? Not if the other batteries remained silent, and the ship was allowed to take up its own position unopposed. But I think any ship, before it could take up a position opposite any one battery, would be set fire to or disabled by the rest.

75. *By Mr. Piddington:* I think you allude to the advisability of constructing three towers of cast-iron; but I do not perceive in your report that you have made up your mind as to the thickness of the cast-iron—have you come to any decision since as to the necessary thickness of the cast-iron to be used in constructing these forts? Did I mention cast-iron?

76. I think so. You say in your report—"The invulnerability could be secured by the substitution, for all exposed masonry, of four and a half inches or five inches of cast-iron, backed by teak and masonry;" and in a foot-note, "perhaps ten inches would be better, as a provision against discoveries which may yet be made"? Four and a half or five inches would resist any guns that are carried in the present day on board of men-of-war; but as they are building men-of-war to carry these cupola batteries—men-of-war of larger tonnage—they may be able probably to carry guns of heavier calibre.

77. My question is merely directed to ascertain whether you have made your calculation of the cost of these towers on the assumption that four and a half or five inches of cast-iron should be used? I made no calculation at all—my estimate is merely a guess; but I think even twelve or fourteen inches of cast-iron might be used without exceeding the £75,000 I have mentioned. I have merely proposed to substitute iron for masonry, and the one would be as cheap as the other.

78. You think three towers might be constructed, of cast-iron ten or twelve inches thick, for the sum you have mentioned? I think so; but I have not gone into any detail. I do not pledge myself to that sum, because I have not gone into an estimate of the cost of material at all.

79. Can the Committee rely on your estimate with any confidence whatever, if it is merely a guess? I have stated a sum in excess of that I think they will cost.

80. I want to know the grounds on which your calculation has been formed? Generally speaking, the building of a fort at Home costs about £1,200 a gun, in ordinary brick or stone. For three guns that would be only £3,600, say £4,000; if you double that for this Colony, it will make it £8,000 —

81. That is in stone? Yes; iron does not cost any more. The guns may cost £1,000 or £1,500 each; and if you add something for contingencies, and the cost of the guns, I think you can still bring the amount under £25,000 for each tower.

82. You propose to abandon two of the forts now existing—Fort Denison and Kiribilli? Yes, when the others are completed, but not till then. While the fort at Garden Island is building I would keep Fort Denison fully armed; but when that at Clark Island is finished, I would let both Fort Denison and Kiribilli be dismantled.

83. I think you admitted that even when the harbour is protected by your proposed towers, a steamer could run past all these proposed towers, and the inner batteries, in the day-time? Yes, no doubt a steamer could do it; but there would then be no object in attempting to do it, because wherever she went she would be reached. The object of putting these towers on the positions I have named is to defend every nook and corner.

84. Supposing three* steamers formed the attacking force, could they not at present run past all the existing batteries, with the probability of reaching Darling Harbour without much injury, in the day-time? I think you would find many dashing men who would attempt it, but I do not think they could stop and attack the present forts with any success.

85. I merely wish to know whether they could run past the existing forts, and bring up in Darling Harbour, without much injury? A gun at Fort Phillip would reach any vessel in Darling Harbour.

86. That gun is not there now? No.

87. I think the whole of your report is based on the assumption that it is almost impossible to prevent steamers running up the harbour, if they have a clear channel? Yes.

88.

* NOTE (on revision):—I did not hear the word "three," in this question, or I should have answered differently. The existing works would, in my opinion, require the additional works recommended by Sir William Denison, and a gun or two on Fort Phillip, to resist the attack of three steamers in manner proposed.

88. But that opinion is derived from the consideration that the channel should remain clear, as at present? Yes.

89. Was not the original plan for the fortification of the harbour, based upon the opposite idea of checking the entrance of vessels through the passage at the Sow and Pigs? Yes, the original plan gave great weight to the fortification of the Heads.

90. Was not that plan approved by Sir John Burgoyne? He approved of the three forts proposed, as a very good means of protecting the entrance to the harbour; but I do not think he ever gave much weight to the inner defences, or ever thought about them.

91. Do you not think Sir John Burgoyne a very good authority to rely upon, with regard to fortifications intended to preserve a harbour from attack by ships? If Sir John Burgoyne were here himself he would be able to explain his own views; but I do not think he ever expected these three forts would keep out vessels running up such a clear channel in the night time; in fact anybody can see it is impossible.

92. Do you not think the original plan, combined with the obstruction of the channel at the Sow and Pigs, would be sufficient? That depends upon the sort of obstruction. I have a strong objection to any obstruction of the channel, because it cuts both ways—it keeps out the enemy perhaps, but it also keeps out your own vessels.

93. Do you not think some means could be devised, by booms or chains, in a passage only half a mile wide, to prevent the entrance of enemies' vessels? Something may be devised to make it more difficult to enter, but I do not see how you can keep an enemy out without keeping friends out too.

94. Could no chain of sufficient weight be stretched across the channel at the Sow and Pigs, that would bring up a vessel that attempted to enter? I suppose it could be devised, but I would be very sorry to recommend it; that is, as a defence to be relied on.

95. Would not that be very valuable as a subsidiary means of defence, in connection with batteries at the Middle Head and the Sow and Pigs? It would not justify your leaving the anchorage undefended.

96. Are you of opinion that it is impossible to obstruct the entrance at the Sow and Pigs? Yes, without doing damage to yourself. You can sink vessels and stop the channel, but then you keep your own trade out, and men-of-war outside would take all vessels coming to the port, because they could not enter.

97. That is an answer to the question as respects a permanent obstruction; but do you not think a temporary obstruction, or an obstruction different to that of sinking vessels, could be established, that would have the effect of keeping hostile vessels out? Not without keeping your own vessels out too.

98. For the time being; but I am speaking of a temporary obstruction that could be easily removed? I do not know any that could be easily removed.

99. A chain or boom for instance? A chain or boom must be defended by a fort, and that fort must be superior in force to the vessel. Of course a chain or boom would afford a temporary obstruction; but if it were very strong it could not be easily removed, and your own vessels would be kept out, and your own trade stopped. Any nice arrangements of that sort generally fail in time of war.

100. Upon the assumption that there would be a battery at Middle Head and another at the Sow and Pigs—do you not think a chain or boom would afford a sufficient obstruction to the entrance of vessels? No, I do not think you could rely upon it, unless the battery at the Sow and Pigs were so strong as to be superior in force to the vessel or vessels attacking, and then it could.

101. With a 30-gun battery at Middle Head, and another at the Sow and Pigs, with the advantage of an obstruction in the channel, do you not think we could make an effective defence? No doubt, against a moderate force; but those batteries would require many men.

102. Then I understand your objection to defences upon that system is, not to the limited effect of such batteries, but to the expense of manning them? Of course the two systems are comparative. To defend the entrance you require 800 men, who will cost you £80,000 a year; you must have a large number of guns, because there you would only get a flying shot as a vessel passed, while by defending the anchorage, on the system I propose, you may fire twenty times with the same gun, and consequently a small number of men and guns will be required.

103. Do you think it would be absolutely necessary to have a force of Royal Artillery here to man all these batteries—thirty guns at Middle Head, and a tower with a certain number of guns at the Sow and Pigs? No, certainly not; you might train Naval Brigades and Volunteer Artillery, or you might even train policemen to do some part of the work of a gun.

104. Do you not think that a company of Royal Artillery, consisting of 100 men, stationed at Middle Head, would form the *nucleus* of a force that could be relied upon? These thirty guns could not be manned by a hundred men.

105. But a hundred men might form the *nucleus* of a force? No doubt. I think it would be going to a great and unnecessary expense to build these batteries at present.

106. What do you think would be the cost of the battery at Middle Head? Colonel Barney estimated it at £46,000.

107. Do you think that estimate not too high a one? I have not seen his design; but he must have made his estimate in some detail, because the drawings were sent Home to the Inspector General of Fortifications, Sir John Burgoyne, and not objected to by him.

108. By Capt. Moriarty: Permit me to call your attention to an observation I understand you to have made,—that a vessel behind Bradley's Head could not effectually shell the town, because she could not see it? I say they could not do so so effectively as if they could see the town; and I say the danger has been rather overrated in the first place, because

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because those on board a vessel in that position could not see the town they were shelling, and therefore they would be firing blindly; and in the next place, because we could put guns on the North Shore that would very soon dislodge them. Of course the time it would take to get guns in position on the North Shore would depend very much upon the means you have at command for that purpose.

109. How soon do you think it could be done, supposing the best imaginable means were at command? We could get guns there in a day or less.

110. Supposing we got them there in four hours, do you not think that a vessel lying there for that time—knowing the exact range they had to shell, and having an accurate map of the whole position—could not shell the city so as to destroy it? Certainly not. One vessel shelling the city could not.

111. I do not speak of one. Supposing two or three ships came? Two or three could not anchor there. I said it would take a day to get guns over, but that is an extreme; light guns could be taken there in a few hours. This position could be occupied with a gun or two without any battery.

112. *By Mr. Piddington*: I think you admit that the proposed tower on Garden Island, and the proposed tower on Clark Island, would not touch a ship behind Bradley's Head? That on Clark Island would.

113. You think Clark Island would command a ship in any part of the bay, at the back of Bradley's Head? Yes, with quite sufficient effect.

Captain Charles Neville Lovell, R.A., called in and examined:—

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114. *By the Chairman*: You are a Captain of Royal Artillery—what brigade and what battery? Twelfth Brigade, No. 3 Battery.

115. You have been stationed here for some years? About six years and a half.

116. Ever since the present fortifications were built? No, I only saw Kiribilli built; the others were all built before I came.

117. These batteries are all occupied by men of the Royal Artillery under your command? All except Kiribilli; that has not been handed over.

118. What is the present state of these batteries;—are they in an effective state, as far as they go? No, certainly not.

119. Have you got the detail of the state of them at present? I will read a memorandum which I have prepared respecting the present state of the batteries. (*Witness read as follows*):—

“*Dawes' Point*.—With regard to the present defences of Port Jackson, I consider that
“in the lower battery at Dawes' Point there are too many guns mounted, consequently the small amount of parapet between them renders the battery very weak. I
“should therefore recommend that three of the 32-pounder guns mounted on
“garrison carriages should be removed, and the battery remodelled to suit the
“remaining number of guns. The old magazine is wet, and too small; a new one
“is being built, and will soon be ready for use.

“*Fort Macquarie*.—I consider that the battery at Fort Macquarie is perfectly useless, for
“the following reasons:—The barracks are not serviceable, as one shot would knock
“the place to pieces, and no one can expect, however brave the men may be, they
“can fight the guns for any length of time, knowing that there is no place of safety
“for them to retire to at the battery, when off duty, for rest. It is also perfectly
“useless at the present time, as boats might easily land their crews and take the
“battery by escalade, as there is no protection by a ditch round the fort, and the
“silt lately thrown there up to the foot of the escarp, together with a coping round
“it, greatly facilitates the escalade. The loopholes for rifles in the outer battery
“(42-pounder) does not allow of a range, in case of a rush being made on the land side,
“of more than about twenty feet from the foot of the escarp, which actually does not
“reach the gate leading into the battery, which they are supposed to enfilade. There
“is also a coping round this battery, which enables a man to get over the parapet
“with the greatest ease, without the assistance of a ladder or anything else. The
“magazine is not fit for placing powder in, being damp, and is also too small. The
“platforms and carriages of the 24-pounders are unserviceable.

“*Kiribilli Fort*.—Kiribilli is indefensible and perfectly useless. The magazine is wet,
“and the barracks untenable during action, as one shell or shot would most likely
“bring them down and kill every man in them; also a shell dropping into the battery
“would very likely kill most of the men working the guns, it being nothing else
“but a trap for shells to drop into.

“*Fort Denison*.—There is not a sufficient lateral range with the 32-pounders. The only
“guns I consider of much use, are the two 10-inch guns in the lower battery and
“the 8-inch gun at the top of the tower. The magazine is the only one fit to keep
“powder in, but it requires to be fitted with bales.

“*Mrs. Macquarie's Battery*.—The magazine is wet; the lateral range of the 32-pounders
“is so small that only one round could be fired from them at a vessel that might run
“the gauntlet. The only guns there of considerable service are the two 10-inch
“guns. There are no barracks for the men, and some of the 32-pounder platforms
“are merely the natural rock, and no guns could be worked with any celerity on
“them.

“*Bradley's Head*.—The present battery at Bradley's Head was dismantled, on my
“recommendation, as a boat's crew landing in rear might kill every man in the
“battery from the rocks above, which are scarped, and therefore isolating the
“battery.”

120. Of what service do you consider these batteries would be, as they are, in the event of one or two hostile ships entering the harbour? With the exception of Dawes' Point, and perhaps the other guns I have named, I should say none at all.

121. And they, I suppose, would only be of service if a ship chose to put herself under their fire? Yes.

122. Are the guns so placed that a ship coming into the harbour to shell the town or destroy the shipping must necessarily expose herself to the fire of any of the batteries? No, she need not expose herself at all.

123. What position would a ship that wished to do as much damage as possible be likely to take up, not under the fire of the batteries? I should say Bradley's Head. The distance from Bradley's Head to St. James' Church is 4,000 yards, and that is right in the centre of the town.

124. What is the extreme range of guns such as ships carry; for instance, of an 8-inch gun, firing shell? The range of 11-inch guns, such as are used in the American Navy, is over 6,000 yards, according to the American report.

125. I suppose they fire shell from 11-inch guns? Yes.

126. Are guns of that size frequent on board ships? The Americans have them.

127. Have they ships armed with guns of that size? They have them heavier now.

128. If a hostile ship were to enter this port to-morrow, what defence would you be able to make? None at all. We have only twenty-eight men.

129. *By Mr. Cowper*: That is without the volunteers? Yes.

130. *By the Chairman*: Could you make any attempt at resistance at, say an hour's notice? Yes, certainly; it would be rather a rash one though.

131. At an hour's notice? If I was down at Dawes' Point, I would do it in a quarter of an hour; everything is all ready* there.

132. I presume, at a day's notice, you would be able to make as effective a defence as the present batteries would admit of? Yes, decidedly.

133. In order to make the present batteries immediately effective—that is, in order to prevent ships lying under Bradley's Head and other points from which they could shell the town, what would you suggest should be immediately done? I should put cupola forts at the Inner North Head, Middle Head ———

134. I am speaking now of what should be immediately done in order to assist the present fortifications before any other system can be adopted? I have remarked as to Dawes' Point that I think the lateral range of the 32-pounders should be increased. At Mrs. Macquarie's Point we want the magazines made all right; they are wet.

135. Supposing the present defences were made as effective as possible—that is to say, the guns in position, and the magazines dry, what addition would you suggest for immediate purposes—for instance, to prevent a ship from lying under Bradley's Head? I should say you must have forts at the Heads.

136. You do not think the present system of having forts up near Sydney should be continued or increased? Certainly not increased, with the exception that we might have a heavy gun at Fort Phillip, in case a vessel runs below the harbour.

137. I presume, with 40-pounder Armstrong guns, with travelling carriages such as we now have, one of them could be moved to that position at very short notice? Yes, but I doubt if it would be heavy enough.

138. You think the best place for the fortifications is at or near the Heads? Yes; on the Inner North Head, Middle Head, George's Head, and Bradley's Head, and Clark Island to look up Sirius Cove; also one at Green Point.

139. Then you calculate upon the chance of an enemy being able to run past these outer batteries? Yes, there is a chance, certainly, at night-time.

140. Would it not be possible to close the channel at night, by some means or other? You could close it with a boom.

141. Have you ever seen anything of that kind? No.

142. You do not know whether a boom could be made so movable that it could be closed at night and opened in the morning? There would be no difficulty about moving it—not the least.

143. Do you know the actual width of the deep portion of the channel between Middle Head and South Head? I do not know for certain, but I should think the width, where the channel is deep enough for a heavy vessel, is not more than 600 yards.

144. Then a ship of the size of the "Brunswick" moored across the centre of that channel would almost prevent a large ship from passing, of itself, without any armament; that is to say, it would be difficult for a ship to pass on either side? The other channel is deeper, you know ———

145. I am speaking now of the channel under Middle Head? She might pass if there was no boom as well.

146. You have been on Middle Head? Yes.

147. And have seen the preparations that were making at one time to erect a battery there? Yes.

148. What description of battery was it? 32-pounders, I think.

149. I mean the spaces for the guns—they were scooped out of the solid rock, were they not? Yes.

150. What would a battery of that kind cost, do you think? I do not know.

151.

* NOTE (on revision):—At Fort Denison. As the men would have to be taken over from Dawes' Point, it might possibly take more than fifteen minutes, but it could certainly be done in half an hour at the outside; that is the only battery where any defence could be made in so short a time, as there is no powder in any of the other magazines, all of them being wet and unserviceable.

Captain
C. N. Lovell,
R.A.

14 July, 1863.

151. In the event of batteries being placed on Middle Head, the Inner South Head, and George's Head, what description of guns would be most serviceable in those positions? They ought to be very heavy guns indeed.
152. I suppose the best gun we have at present is the solid 68-pounder, for a purpose of that kind? Well, I do not know; I should say either a Whitworth or Armstrong 110-pounder.
153. I am speaking of the guns we have at present—what are the best guns we have? I should dismantle Kiribilli, and use the guns that are there.
154. What are the guns there? 8-inch.
155. They throw hollow shot? Yes.
156. The solid 68-pounder is an 8-inch gun? Yes.
157. Is not that a more effective gun, and of greater range? Yes.
158. What is the extreme range of the solid 68-pounder? 3,400 yards is the range of the 68-pounder gun throwing solid shot.
159. What is the range of the 8-inch gun throwing hollow shot? 2,200 yards; it depends upon the charge a good deal; 3,000 yards is the extreme range.
160. Supposing a few guns were placed upon Middle Head and upon the Inner Head near it—called Obelisk Head, I suppose—a small head close to it? You mean just before you come to Hunter Bay?
161. There was a flagstaff there and guns there once—it is marked Obelisk on the chart? I do not see the use of a battery there.
162. If guns were placed on Middle Head and George's Head, with the view of guarding the passage between the Sow and Pigs and George's Head, it would not be necessary to have guns of very great range—the size of the gun and the weight of metal would be of more consequence than the range? You would want at least 900 yards range.
163. Would not a solid 68-pound shot be quite as effective on a ship in that position as a shot from any of the new Armstrong or Whitworth guns? I should say not, because you cannot fire with such accuracy.
164. Not at that range—900 yards? It is more than that; it is 1,200 yards up to —
165. I allude to a ship passing up the channel, between the Sow and Pigs and George's Head? That would be about 600 yards.
166. In that case weight of metal would be all that would be required; we should not require guns of great range? No.
167. That is to say, the solid 68-pound shot would be of more use than a 100-pounder Armstrong, probably? That is rather doubtful; the experiments on that point are not complete.
168. In the event of having guns in these positions, it would not be necessary to build strong forts? I would have them cupolas.
169. Guns placed so much above the level of the water would not suffer much from the fire of a ship—she could not elevate her guns sufficiently? Yes, they might sling a gun, and fire right straight up into the air.
170. They might do that, but the shot would go very far from the mark—they could scarcely do much harm to the battery? They could not do much harm to the battery, but they could drop shell on the men. By having a cupola it could be made bomb proof.
171. Cupolas would add very much to the cost? Yes, of course.
172. You think, then, that the passage near the Heads is the proper position for the batteries? Yes, certainly.
173. Have you ever been at Newcastle? No.
174. *By Mr. Cowper*: Do you think it desirable to consider the question of extending our system of fortifications to Broken Bay and Newcastle, or either of those places? I do not know anything about Newcastle.
175. As a question of principle, do you think it desirable the Government should go beyond fortifying harbour of Sydney? I do not know what sort of a harbour there is there; but if there are a great number of vessels likely to be seized upon I think it would be as well to have batteries there.
176. You think the system of batteries is good, provided they are placed in proper positions? Yes; the cupola tower, I think, is the best thing, and it is not so very expensive; it is much cheaper than heavy batteries.
177. Are you in favour of fortifications on Garden Island and Clark Island? On Clark Island, not Garden Island; I do not think Garden Island of any use at all.
178. Do the magazines at Fort Macquarie and Mrs. Macquarie's Point require to be rebuilt, or can they be made dry by any repairs? They will never be of any use. The rock itself is very porous at Mrs. Macquarie's Point, and there is no passage round the magazine; in fact the best water in Sydney used to be got out of the magazine; there is a well there.
179. Do you think it necessary to have barracks there for the men;—could not some temporary accommodation be provided for them for a time? If there were three or four vessels coming in they would have to look out there, and they would require some protection.
180. Could you suggest anything for the consideration of the Government, as immediately necessary to be done? I should not say it is immediately necessary, but I should eventually have a casemated barrack there.
181. With reference to the question generally of defending the harbour of Sydney, in the event of war with America or any other power, is there anything you would desire to recommend as immediately necessary? I should say the magazines should be put in repair immediately, because the whole of the powder and ammunition we have now, with the exception of Fort Denison, is at Goat Island; so that the only fort we could attempt to man is that at Fort Denison.

182. The magazine there is dry? Yes, it is a very good magazine; it only wants bales put in; the barrels are resting on the asphalt, and they sink into it.

183. *By Captain Moriarty*: I think I understood you to convey the idea that your observations were based on the fact of only one privateer or any single ship coming in? No, not at all; there might be three or four.

184. Supposing three or four heavy steam frigates came in, would the present defences be sufficient to repel any attack of that kind? I stated that they would not be, because the lateral range of the 32-pounders is so very small, that if a ship passes we could not get more than one shot at her out of each of them.

185. You think a battery on Garden Island would not be able to resist the attack of a ship of that kind? I would not put a battery there at all.

186. Then you are clearly of opinion that the proper line of defence for the City of Sydney is to erect cupola batteries as near to the entrance as possible? Yes.

187. *By Mr. Piddington*: You have spoken of batteries at Middle Head, Inner South Head, and George's Head — ? Inner North Head, Middle Head, and George's Head.

188. What should be the number of guns on each of these places that you would consider necessary? I think five at the North Head would be enough, ten at Middle Head, and ten at George's Head. At Bradley's Head I should also have some guns, one of them a very heavy gun; I should put two batteries there, one higher up than the other.

189. How many guns would you have at Bradley's Head? One in the upper battery and five below would be quite enough.

190. That would make six at Bradley's Head? Yes.

191. That would be a total of thirty-one guns? Then at Clark Island I would have about five guns, so as to look up Sirius Cove.

192. Do you think these points could be easily manned with the available force here—I mean by the Volunteers, combined with a company of Royal Artillery? You want ten men to a gun, in case of casualties.

193. That would be 360 men to thirty-six guns? Yes; it would be better to have more, but they could do it.

194. Have you perused the report of Captain Ward on the defences? I have just looked it through.

195. Do you consider that the proposed towers, recommended by Captain Ward, would afford a more perfect defence than the outer line of fortifications you have just described? What towers did he recommend?

196. Three towers—on Clark Island, Garden Island, and Goat Island—with 600-pounder Armstrong guns? You ask me whether that would be a better defence than the other?

197. Yes; whether that inner system of defence is, in your opinion, more to be depended upon than the outer line proposed by yourself? Certainly not.

198. Did I understand you to say that the only battery, of the various ones comprised in what are called the inner fortifications, that could be depended upon for resistance, is the one at Dawes' Point? No; the two 10-inch guns, and the 8-inch gun at the top of the tower at Fort Denison, and the two 10-inch guns at Mrs. Macquarie's Chair, have greater lateral range than any others.*

199. But the other guns in those batteries, you think, are not to be depended upon? They are not of much use, the lateral range is so very small.

200. *By the Chairman*: You could not get more than one shot out of them? No.

201. You object to the battery at Mrs. Macquarie's Chair, on account of its liability to be assaulted? No, it was Kiribilli I objected to, because it was nothing else than a trap for shells to drop into.

202. Are you of opinion that the battery at Mrs. Macquarie's Chair is safe from being assaulted by a boat's crew? It is certainly not safe from it, but it might be defended by the Volunteer Rifles, being so close at hand.

* NOTE (on revision):—Having before reported the battery at Kiribilli as perfectly useless, and that it ought to be dismantled, I do not include the guns there, which are mounted on traversing platforms, and have a great range.

NOTE.—I beg to add that if, instead of being asked questions, I had been allowed to make my own suggestions for the defence of the Harbour of Port Jackson, the result to myself would have been much more satisfactory.

Sydney, 20 July, 1863.

CHAS. N. LOVELL,
Capt. R.A.,
Com. R.A., N.S.W.

FRIDAY,

FRIDAY, 17 JULY, 1863.

Present:—

MR. COWPER,	MR. EGAN,
CAPT. MORIARTY,	MR. SADLEIR,
MR. W. FORSTER,	MR. ARNOLD.

WILLIAM MACLEAY, ESQ., IN THE CHAIR.

Captain Robert Jenkins, R.N., H.M.S.S. "Miranda," called in and examined:—

Captain R. Jenkins, R.N.
17 July, 1863.

203. *By the Chairman:* You are Senior Naval Officer here now? Yes, I am Senior Officer of the Australian Squadron, but Captain George H. Richards, of H.M.S. "Hecate," is the Senior Officer now at Port Jackson.

204. Have you paid any attention to the fortifications of this harbour—have you noticed them at all? Yes.

205. Do you think the batteries we have now are the best situated for the defence of the place? Most certainly not; distinctly not.

206. Do you think it would be easy for a ship or ships to run past or overpower the present batteries? I think, with the batteries as they exist at present, it would be very easy for a vessel to get to a secure anchorage, and from thence to commence operations against the place.

207. If you were in command of an enemy's ship at the mouth of the harbour, would you feel any difficulty in passing all the batteries we have now—running past them into the town? I think it might be done by surprise, or iron-clad vessels.

208. At all events, you could place your ship so that you could do damage without being under fire? No, I think not—not to pass in, because the batteries are in very good positions so far as they go. I mean to say that if you cut off the land at the Sow and Pigs the batteries were well placed to defend the remainder of the harbour.

209. At Bradley's Head you mean, I suppose? Yes, they command all this (*referring to the chart*) from Bradley's Head inwards. But I think the fortifications should be at the actual entrance of the harbour. The North Head is a ready-made Gibraltar almost, and the other also. If there were guns in well selected positions on the North Head, the Inner South Head, and Middle Head, nothing could come in; they would command the whole entrance. A ship coming directly towards a battery is very difficult to hit, but by having batteries in all these positions she never would be coming directly at any one without being caught by the fire of the others—always at a disadvantage.

210. And guns in the positions you have mentioned would be almost quite safe from any return fire? Very much so, as long as they did not put anything at the back of them to catch the shot and shell. I should not propose building anything, but sloping down a glacis to give depression, and then, if a shot struck that, it would fly over the battery and do no harm; they would be obliged to hit the very gun itself to do any damage, which it would be very difficult to do.

211. You would recommend open batteries, on such places as these, instead of forts, as being safer, you think? It is not my province to say how the batteries should be built, that is engineers' work; but you have plenty of rock there, and, in my opinion, it is only necessary to make a trench sufficient to cover the guns, and then slope away a glacis so as to depress the guns, and you can get the exact range of every point all round. I mean that the gun-carriage, the wheels, and so on, should be protected, that is to say, should be in trenches.

212. *By Mr. Cowper:* You would go to no other expense? No expense at all that I know of, except that you must have magazines, and things of that kind, of course. What I mean is, to keep the guns under cover, so that nothing but the muzzles of the guns will shew, and then have a glacis so as to depress them. If you had guns on the top of the North Head,* and on Middle Head, they would command the whole place—at least, I presume so, for I have not had time since you summoned me to give evidence, to go and look for myself, but that point (the North Head), I think is not commanded from anywhere. Then if you had a good road round this place, you might make these breastworks out of the rock, and with a glacis to give sufficient depression, a ship could not approach the coast anywhere within range, because you could move your guns so as to attack her as she came near; but, of course, all this is engineers' work, that I am not supposed to give an opinion about.

213. *By the Chairman:* Would it not assist if, in addition to the guns you mention on these points, there were some means of temporarily stopping a ship at the narrow passage at the Sow and Pigs. You know there is a narrow channel between Middle Head and the Sow and Pigs? No doubt that would assist, but guns in the places I allude to would have a great advantage over vessels attempting to enter. In the first place, ships out here would be almost invariably rolling, so that their guns would be, practically, of no use in such an encounter; I do not suppose the guns of a ship here would, one day out of a hundred, do any harm to guns on the tops of these places, because they would be firing at a high elevation, and if they did not get the precise elevation they would miss the muzzle of the gun, which would be all they would have to aim at; if they had a higher elevation the shot would go over.

214. If a ship attempted to run in at night, would it not be well to have some means of stopping her at this passage at the narrow part? Well, that may be, but I should be very sorry to come in with guns mounted on these places; she has got to get out again you know, and, besides, you have all these batteries here. You know, of course, in time of war there would
always

NOTE (*on revision*):—The highest point of the North Head, I think, commands both the Middle and South Head, and the whole position.

always be some men at the batteries. To give you an idea of what guns well placed in such positions as these can do, I may mention that one of the strongest forts at Bomarsund was reduced with three guns placed in a good position, and that gunboats in China failed, having been placed in the positions which the forts had been built to command, and from which forts the ranges were, or at all events may have been accurately known, and on which the guns may have been, and probably were previously laid. Captain R. Jenkins, R.N.

215. You are aware that the Home Government have offered to let the Colony have a ship—a large steamship—the “Brunswick”—on condition that we convert it into an ironclad battery. Do you think that for the mere defence of the harbour, when we have all these headlands capable of being fortified, a ship of that kind is necessary? I think the fortifying of the Heads would be infinitely less expense. In reference to that, I think, if I may be permitted to say so, that, at the present time, till the batteries are erected—which should be done under the direction of an engineer officer, who thoroughly understands positions and so forth, which is a thing I am not supposed to know much about—the cheapest way of doing the thing would be to get an old line-of-battle ship, not a steamer, anchor her down there, at the Sow and Pigs, and place convicts or prisoners on board of her to work upon the batteries. This ship might be used as a prison for these convicts, and at the same time have her guns on board ready for use at any time when required. You could move her in action by having springs on her cables, and so forth.

216. You think a ship would not be likely, if a heavy battery of that kind were stationed there, to attempt to run past it? No, I should think not. Of course all these things depend upon the expense that is gone to, but I say this North Head is almost a Gibraltar now. I should say it could be made impregnable with comparatively little expense; it is in fact naturally so. It is quite evident that if you get a ship outside there you have her at a very great disadvantage. The positions of these headlands cannot, in my opinion, be better than they are.

217. Chains and booms are occasionally used, are they not, to prevent the ingress of ships? Yes.

218. Are they easily moved—that is to say, would it be possible, with ease, and without any great expense, to have a system by which the passage might be stopped every night, in time of war, and opened in the morning? Yes, I think that can be done, if it be considered necessary.

219. Have you seen them moved in any cases? I have seen many booms and barriers, and things of that kind—stakes and so on; but I have never seen any that have been made, except by savage tribes—Chiuamen, or people of that kind. We made them ourselves temporarily, but I have never seen such a one as would be made—I mean to say, I never saw a good plan of one.

220. I suppose a single boom, however large or well fastened it might be, would be carried away by a heavy ship without doing much damage to her? Yes, it might be carried away.

221. The ship would run it down? Yes. Here you would have your cables under water so much; they could be hove partially up, but, of course, it would bring a tremendous strain upon them. Still it might be done.

222. What number of men could a couple or three frigates land for the purpose of taking a battery by assault. Say there were three ships, and they wished to take a battery on Middle Head—what number of men could be landed for the purpose? A large frigate would have about 600 men; she would land 400 or 500, perhaps.

223. Then it would require a very large land force to protect the batteries from that kind of attack? No, I am of opinion that by having good roads round these positions, so that your guns could be moved from place to place, as required, you could command anything—no boats could live anywhere under their fire.

224. Could not boats be sent round to land at this small beach at the back of Middle Head? One gun could be placed so as to command that, and prevent a landing.

225. Would it not be necessary to have the whole of this point entrenched, and to keep a body of men to defend it from assault? No, a few field pieces would suffice for that, if there were good roads made there, so that they could be readily moved. Or you could train your guns in the batteries over night, and when a boat came to a particular spot, one man to each gun could fire and sink them. You have an immense advantage in a standing fortification like that, because you can lay your guns; it is not like a ship swinging. In a ship you can only lay your guns for elevation, but here you can lay your guns entirely, and by a turn of the screw put them to any elevation you like; so that if your gun is laid overnight for any particular spot, when a boat comes to that spot you know exactly the bearings and so forth.

226. *By Mr. Cowper:* What number of guns would you recommend to be placed on the North Head, and of what description—as sufficient, I mean? Of course the more guns you have the better, but I should think very few would do—three or four at each Head; and I should have them on field carriages, and a road round the various positions. You are speaking of something immediate?

227. Yes? Then I should consider three or four guns on each Head would be quite sufficient, with the means of transporting them to particular places, the different ranges from which would be known. The guns could be shifted as occasion required. There should be one heavy gun on the very top of the North Head, not to be a shifting one, but in a traversing well, sunk so as not to shew anything above ground at all but the muzzle of the gun.

228. What size of gun would you call a heavy gun for that position? A solid sixty-eight is the best you have here, except the Armstrong's of course—a 95-cwt. gun, such as the “Pelorus” had. The “Pelorus” has left one here, I think, and the “Pioneer” has left two. They have three here now, but I do not think they are mounted.

229. Then you think that, with that number of guns placed in these positions, without going to

Captain R. Jenkins, R.N. to any great expense for batteries or forts, we should have something like means of defence against foreign attack? I think so certainly.

17 July, 1863. 230. Do you think it would be desirable to have any number of men constantly placed there in time of peace? I think it would be a very great advantage if your men were to go and drill there, to get accustomed to the guns and positions, and so forth. They should have practice at these positions, because one gun properly served is worth any number used unskilfully. Men not knowing the positions would be comparatively useless. I mean that whether volunteers or regulars are supposed to defend that post, they should thoroughly understand the different ranges, and so forth.

231. You would not go to any permanent expense for barracks, or place any considerable number of men there as a standing protection to these guns? I think it will eventually come to that in a place of such importance as Sydney, considering the quantity of gold you have here, and the wealth of the place, its trade, and so forth. In future years no doubt it will be of such importance that it will be necessary to have strong works. Therefore my opinion would be that you should get the first engineering opinions that could be obtained, and begin by constructing small works, but let them be a part of a system which would in time become a fortress, so that if in the future it should be desirable to make the North Head, or the South Head, or, in fact, the whole position, a regular fortress, what is begun to be done now should be a part of that fortress; because the positions chosen should of course be the best, and would therefore be required as parts of the more extended works. What is done now may as well be done with that view. It would be no more expense, and you could do as little or as much as is considered necessary.

232. For the defence of the Inner Harbour you think the forts we have are sufficient? Yes, I think so; they are in the right positions so far as they go, but at the battery opposite Fort Denison that wall should be taken down at once. And another thing I would say is that I think the forts are too much built up. It may have been all very well formerly, but they do not do now. These things would come down at once. No gun should be without a glacis now; a glacis would throw all the shot up. There should be no guns on a wall, so to speak, now-a-days—at least that is my opinion.

233. With regard to a block-ship, you spoke of her having guns—what number would you think desirable—would you have her fully armed? Not the small upper deck guns. I would have the main deck and lower deck batteries, all heavy guns. Have as heavy guns as you like—all long guns—the old pattern long guns would do very well. You could keep some of the quarters clear for the Naval Brigade, or any body of men you may have to exercise on board the ship at the guns they would be really wanted to work, and they would get an idea what would be required in case of attack.

234. You spoke of having convicts on board of her—what is your view with regard to them—would it be safe to have convicts on board? I do not know whether they have them so now, but all the convicts that used to work in Portsmouth dockyard used to live in hulks not fitted as block-ships. I only spoke of making use of the ship for both purposes as a matter of economy. The guns could be on board the ship, and they would be no more expense there than lying in the Ordnance stores or anywhere else. There are plenty of guns now becoming almost obsolete, which would be very formidable in that position, and an old seventy-four would be as good there as any other ship. It is rather different at Melbourne, but here, where you have a narrow place like that to defend, I do not think it is necessary to go to the enormous expense of having a steamer. I do not see that you want to move her.

235. In case of her being required for war we would have to put a very different body of men from convicts on board? Yes, of course; but you might, even when the convicts were on board, keep some part of the guns clear to exercise the men at—the after main deck quarters, for instance.

236. *By the Chairman*: You would not train the convicts to work the guns? No.

237. *By Mr. Cowper*: Supposing it should be impossible to get Armstrong guns out very rapidly, what is the next best gun you would suggest? The 95-cwt. solid 68-pounder. I believe they are the best guns next to the new guns.

238. There would be no difficulty in getting them? I think not.

239. Do you know what would be about the cost of each? I do not know at all; but the regular armament of some of the sailing line-of-battle ships would not, I should think, cost much, seeing that they are guns that are going out of date. They are very good guns, however; it is only that these new inventions are superseding them. Guns which are now becoming comparatively cheap, would still be very formidable in a place like that.

240. You would advise our getting them at all events until we can get something better? Yes. An old line-of-battle ship put in position by the Sow and Pigs, on moorings with springs—buoys round her to spring each way—would of itself be an obstruction in the channel. You speak of booms and so forth, but nothing could pass that. You could lay the guns for elevation and so forth, or you could lay them point blank; and anything attempting to run past there would find it warm work. Of course if gunboats were employed it would be a different matter; but that is speaking of a regular force of boats. For instance, Sweaborg was attacked by gunboats, but then the gunboats went in circles, and they never got the range of them. For an attack of that kind of course you require a regular fortress. I presume at present you do not speak of a regular fleet, or anything of that kind, coming to attack the place.

241. *By Captain Moriarty*: I think I understood you to express very clearly and decidedly your opinion that the places you have pointed out would perfectly protect this harbour from the possibility of ships coming up beyond the position in which you wish to place the seventy-four or line-of-battle ship? Yes, I think no one would be justified in bringing a ship into the middle

middle of that place, because I think no ship could exist there, with guns in those positions moderately well served. The Chairman spoke of an enemy landing at Middle Head. Nothing could land there if you had guns on the North Head. In reference to the Sow and Pigs rocks, of course it would be a very great expense to fortify it, but that would be a very beautiful position. I would suggest that if it is done, it should be a low battery, with the foundation taken out all over the shoal, and a glacis made so as to throw the shot up.

Captain R.
Jenkins, R.N.

17 July, 1863.

242. Supposing three or four heavy ships came in and succeeded in passing these batteries, would it not be of extreme importance they should be so riddled during the passage as not to be very effective for mischief afterwards? Certainly.

243. In point of fact the proper defence for Port Jackson should be at the entrance and not at the town? Yes, certainly. I think with a few guns on these Heads, no one would be justified in coming in with a few ships; but at present, if a man was off here with three or four frigates, and wanted to do sudden mischief, by getting into smooth water half his work would be done. It would be very different while his ship was rolling to the sea. Commodore Seymour took the "Miranda" and the "Harrier" to practice with Moorsom shells against the North Head, and we rolled our guns under. We made some fair practice, it is true, under the circumstances, but nothing to hit the muzzle of a gun, as a ship engaged with guns in position up there would have to do, to do any harm, whereas if you let a ship get into smooth water here, they would dismount a gun a shot. Batteries and ships at anchor have an enormous advantage either for night or day attack. I was lying in the "Comus," in the Canton River, and one morning, before daylight—in fact the darkest time of the night—two vessels came down from Fatchan Flat, and we fired about fourteen shots, and there were nine through one of the two, although it was dark. Fire junks came up the river another time, and, I believe, though I cannot tell positively, that they got every single shot, though they were coming nine knots an hour.

244. *By Mr. Egan*: I understood you to say you would have the batteries cut out—you are aware it is solid rock at each of the three places you have named? Yes.

245. You would build nothing? No.

246. But you would cut down into the rock to a certain depth, so as to protect the men at the guns? Yes, that is my opinion; but you will clearly understand that that is an engineer's work, not mine.

247. And you would have a glacis to throw the enemy's shot up? Yes.

248. For this work you would have the convicts you speak of employed? Yes, you might as well let them do that as anything else. What convicts can do is, I think, plainly shewn by the Cockatoo Dock.

249. Would you look at George's Head—do you think a gun there would be of any service? I think there should be communication along the shore, so that you could move these four Armstrong guns that you have got now, that are just came out; I fancy they are on field-carriages, and therefore all you want is a road round the different positions, and then you can shift the guns as you please. You would make a few guns then do the work of a number.

250. If it was thought necessary to prevent vessels passing the Sow and Pigs, I suppose you would approve of a chain being so secured that it could be either lifted up or slacked down from the main? Yes, but you must recollect that a chain so long as that will not come straight; you cannot heave a chain straight.

251. You can have it something off the ground? Not much—very little.

352. *By the Chairman*: You must float it? You must float it partially.

253. *By Mr. Egan*: You think if guns were placed in the positions you recommend, there would be no possibility of a landing being effected at this little beach near Middle Head? I think if you have a few guns at North and South Head, no boat could exist anywhere between Middle Head and the Sow and Pigs. Of course if you are to prepare against a regular siege you must have a fortress accordingly; but, on the other hand, it must be remembered that there were very few fortifications on the land side of Sevastopol when we first went there; the fortifications at Sevastopol were not anything particular; they were all made at the time, except those for the defence of the harbour from an attack by sea.

254. *By Mr. Forster*: On the supposition that some immediate precautions were necessary, which of the three positions you propose to fortify do you think the most important to begin with? I would plant guns on them merely as they are, only looking out to get a level platform for the guns.

255. What you propose would not require any very elaborate preparations? No.

256. And very common guns? Well, of course the better guns you have, the better it will be. But you might put the guns there, and merely level a platform—level the rock, so that a gun will be level on its axis. To-morrow you might put guns on the South Head, or North Head, or both, and all you would have to do would be to level a place for the wheels.

257. Do your remarks, as to the effect of these guns, apply to the strongest vessels we can conceive—iron-clads. You say that scarcely any vessel would be able to stand a well directed fire from these positions—do you mean the best vessel that could be built? They would fire right down on their decks, and would be as effective as guns could well be.

258. Have you at any time speculated on the probabilities of this place being attacked, in case of war, with any of the naval powers? I think, in case of war with any of the naval powers at present, they would have quite enough to do with their iron-clad vessels nearer home, unless some great disaster befell the navy of England.

259. In case of war—taking into consideration, on one side, the probable cost and the great risk of sending an armament, which would be at all available, to this distance, and on the other side, the probable profits in a commercial or speculative point of view—would you think the chances very much against this place being attacked? I think it very probable
that

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that a few frigates or a squadron that might be about, might think it worth while. For instance, the Russian corvette that was here the other day—Admiral Popoff might be tempted to make something out of Sydney, if he knows the present state of the defences.

260. What advantage do you think would be gained by attacking this place, apart from an enforced contribution—do you think any of the naval powers would look to this as a permanent position? France might possibly.

261. I suppose any large armament would be almost certain to be followed by a British force? Well, in these days of steam, you never can say what may happen. Squadrons and ships get about the world in an extraordinary way, and some of them may elude the vigilance of any fleet. They did during the old war, and things are relatively the same now as they were then; that is to say, steam gives the enemy the same advantage in eluding a blockading force, or any force we may have, as it gives us in following them. Therefore you are no more safe now, and they have no more facility than they had in the old war. The French fleets in the old war escaped all the vigilance of our fleets, and went to the West Indies—and went everywhere in fact.

262. It would be an enormous cost to bring a vessel of the class of the "Alabama" to this immense distance—I suppose a vessel of that kind could not be equipped and kept up at the same cost as an ordinary one? Of course it must be more expensive; but I should think it highly probable that the "Alabama," if she thought she could with impunity come here, would come.

263. Have you ever thought of the probability of Sydney being attacked by way of Botany Bay? I think great difficulties might be placed in the way of the landing of any force there. A place like this, with all its resources—all its magazines, every appliance, and all the people within it—ought to be able to advance a force from Sydney sufficient to meet any that may be landed there; if they cannot do so, it is no use talking about it at all. Of course transporting artillery and that kind of thing is very difficult, and the enemy would have to land it, and so on, and there would be plenty of opportunity to oppose them.

264. You think we are pretty safe as to any attack from that side? Yes. In the first place you would have to make a road to Botany, and then prevent any landing that would be likely to be attempted—I mean that Botany has nothing to do with the defence of this place, because it is simply a matter of field operations. If you have not a force to meet any force in the field that comes against you, of course it becomes a siege from the land side.

265. Do you think the services of gunboats should be made available for the defence of Sydney? I do not think you require them for the harbour itself, but gunboats are excessively useful on a coast to prevent landing, or anything of that kind. They could go to other parts of the Colony. I look at gunboats as, in fact, *the* great improvement. Gunboats destroyed Sweaborg.

266. *By Mr. Arnold:* Looking to the actual resources of the Colony so far as you know them—looking at the military stores we have, the amount of heavy guns, and the number of our trained men—how long do you think we should require to make this harbour impregnable against the entrance of such a vessel as the "Alabama"—do you think, if we had an apprehension of a visit from the "Alabama," it would not be desirable to make the entrance of the harbour —? I think if you move the "Miranda" down to the Sow and Pigs, the "Alabama" may come as soon as she likes.

267. You think we are not in any actual danger at the present time, or at any time, from the visit of such a vessel as the "Alabama"? If the "Alabama" was to come in tomorrow morning I would be ready for her.

268. You think the visit of the "Alabama" would, in the course of a few hours, increase our means of defence by the amount of the force she brought? Yes. It would be folly to dream of coming in if the guns were on the Heads in the way I have spoken of. If she did come she would never go out again.

269. Do you think it would take many days to prepare for such an eventuality? You have these four Armstrong guns that have been mentioned—those four guns taken down to the Heads this afternoon—and two placed on each Head, and another on Middle Head, would be quite sufficient for the "Alabama."

270. Would that be sufficient to prevent the entrance of any such force as we know of in these seas? Yes, with a few more guns—you have plenty more guns.

271. Within a few hours? Yes.

272. *By Capt. Moriarty:* I gather from your evidence that you do not anticipate any very serious evils from the visit of such a vessel as the "Alabama"—it was not a ship of that kind you contemplated? Yes, I think that is the kind of vessel that would try to run in and do mischief, and get out again. I mean to say such a thing may be done, but at the same time it would be very difficult for a ship like the "Alabama" to come in at the present moment—that is to say, with the present batteries as they are, she would be exposed to their fire—I think there is plenty at the present moment to prevent her coming up the harbour to Sydney. They know the ranges from each of these batteries—the exact pitch of their shot—or at least they ought to. These batteries are in capital positions for what they are intended for—they cross their fire and all that—they protect one another.

273. *By Mr. Forster:* Would it be possible for some of the iron-clad vessels, such as the "Monitor" to run past the batteries? Yes, it would be quite possible for the "Monitor" to pass the batteries.

274. *By Mr. Arnold:* Would it be possible for the "Monitor" to get here at all? No, I do not think it would. As far as we know, at present, it is not likely that iron-clad vessels will be available for service at this distance.

275. Do you anticipate that, in case of war with any foreign power, there will be the slightest possibility of an attack from any vessels of the class of the "Monitor"? No, not of the class of the "Monitor."

276. Or iron-clads at all? Well, there may be improvements made that we do not dream of now. Captain R. Jenkins, R.N.
277. Speaking of the present time? I hardly think there would. As I said before, any power we may be at war with, will have quite sufficient employment at home for their iron-clad vessels. It would not be vessels of that class that they would send here; the object would be rather to get vessels like the "Alabama," which, although not of very great force, have enormous speed, so that they can fight or not, as they think proper. I do not suppose there is a ship, or will be a ship, on this station, that the "Alabama" could not play with; she could come as near as she liked, and walk off when she liked. 17 July, 1863.
278. She could not do that in harbour? No.
279. Then you think we have, within the harbour, the means of preparing, within a few hours, to resist effectually the attack of such a vessel as the "Alabama"? Yes, I think so. But the safety of the harbour would be increased in an enormous degree by guns being placed in prominent positions, and people being accustomed to those positions, and knowing the precise ranges. I have not been to the Heads to inspect the positions, and therefore I do not know exactly; but I should think it would be necessary to slope down the angle of the rock, so as to depress the guns.
280. *By the Chairman:* Do you know what force the Russians have in the Pacific now—I mean in China and the west coast of America? I know they have the "Bogatyr" and a heavy gunboat. I do not know her force, but I think she is a very fast and very heavy gunboat.
281. They have no large squadron? I believe they have a number of gunboats in the Amoor. I know five of them came out at one time, and I never heard of their going home again.
282. What is the French force in China or the Pacific? That I do not know either.
283. It is inferior to the English? They have a good number in Cochin-China, but they are inferior to the English squadron both in that quarter and here also.
284. *By Mr. Forster:* Of course vessels might get into the harbour at night with the best precautions you might take? I do not think so, because, as I say, you could have your guns trained on particular points; and by keeping a look-out you could see a vessel coming, and as she comes within range of each gun, fire might be opened upon her.

THURSDAY, 23 JULY, 1863.

Present:—

MR. COWPER,	CAPT. MORIARTY,
MR. EGAN,	MR. PIDDINGTON,
MR. W. FORSTER,	MR. SADLEIR,
MR. ARNOLD.	

WILLIAM MACLEAY, ESQUIRE, IN THE CHAIR.

The Honorable Robert Towns, M.L.C., examined:—

285. *By the Chairman:* You have given some consideration to the question of the defences of Port Jackson? I have. Perhaps before you question me you will permit me to say that I do not come as a professional engineer or a man of science, or as having the least pretensions to naval or military science so far as batteries are concerned; but I shall be very happy to give you every thought that has passed through my mind in considering the subject in my humble way. I have given the subject long and grave consideration. The Hon. R. Towns, M.L.C.
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286. Are there any suggestions that you would wish to make as to the defence of the harbour? Well, taking into account the enormous expense, and looking at the statements we have in this report of Captain Ward's, and the documents to which he refers, it seems to be so enormous as to be far beyond our reach for the present. I have always been of opinion that a block-ship, properly equipped and manned, and ready at all times in this harbour, would be the most efficient and ready means of defence we could apply. In connection with that, it has always been my opinion—in which I think I am borne out in almost innumerable instances, where ports of such easy access, and so well known as Sydney is, have had to be defended by blocking the channel—that we ought to have some impediment in the channel in time of war, to impede the progress of these sea rovers, for I believe we shall never have anything else to contend against while the old parent State still assumes her position on the ocean; I mean that we have not much to apprehend from any heavy fleet coming; but the great danger we have to apprehend, in my opinion, is from privateers or sea rovers, in small squadrons, in the event of the old country going to war with any of the great naval powers. These enterprising fellows may be prone to give us a call. Having that in view, while the Russian war was going on, I had a sketch of my plan taken of the harbour, which I submitted to Sir William Denison. At that time we had several public meetings, as may be in the recollection of some members of the Committee. I had then a fleet of my own, which was generally termed "Rotten Row," and my friends thought I was too generous when I expressed my willingness to place these at the disposal of the country for the defence of the harbour; they thought it was too liberal an offer, and that I must have some sinister motive in it, and it was never carried out. However, this is the sketch I had drawn out. (*The witness submitted the sketch referred to.*) It shows the plan I proposed to adopt to secure the harbour against the entrance of an enemy. I proposed that, in case the visit of an enemy was feared, these old vessels, which I intended to have prepared with a sink-port in them, should be placed in a line across the channel from George's

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Head to the Sow and Pigs, leaving an opening for ships in midchannel, as shewn on the plan, which ships could be moored at night ready prepared for sinking at a moment's notice. The other side, between Camp Cove and the Sow and Pigs, is where I now propose that the block-ship should be moored, and there should always be a steamer there ready with her fires damped down. This steamer would be self supporting, inasmuch as she would be at all times available for towing ships in and out—a thing very much wanted now. In case there was a suspicion of a privateer coming in, I would have these vessels swung across, and ready to sink, so that they would go down in a quarter of an hour, all to the ground; and with the proper appliance of a pump I would undertake that these vessels should be up again in less than an hour, one at a time.

287. *By Mr. Couper*: You propose to put a block-ship in Watson's Bay —? This (*referring to the sketch*) is the eastern entrance, and here I propose to have the block-ship. You may call it Watson's Bay if you like. When we had no probability of getting a block-ship I proposed that that chain (*referring to sketch*) should come right across. If you had a block-ship, and placed her here, you might apply her to a double purpose, by making a convict ship of her. These (*referring to batteries marked on the sketch on the western shore, near George's Head*) represent sandbag batteries; but with a block-ship they would not be required, and thus avoid the necessity of having men to man them. The block-ship would do all the duty; she would bring forty or fifty guns to play on anything that got into a fix here (*referring to the supposed line of sunken ships, as shewn in the sketch.*) The great point is to *catch your hare*, and that is the net.

288. *By Mr. Piddington*: You speak of ships being moored across from George's Head to the Sow and Pigs, with the object of these being sunk in case of an enemy's making his appearance—in what way would you propose that they should be raised after being once sunk? By a hydraulic pump. There would be a large scuttle, about three feet by two feet, in each vessel, hung with hinges, and so fitted that you might ram it out when necessary to sink the vessels; it would then go so far down as to let the vessel fill, and as the vessel settled down she would close it; but under any circumstances, there would be a chain attached to it so that it could be hauled up, and it would then be sufficiently tight that the hydraulic pump in a very short time would raise the vessel.

289. You would discharge the water from the sunken vessel, and she would then immediately rise? Yes, that is my plan.

290. Can you inform the Committee how many of these vessels would be required to bar that passage between the Sow and Pigs? I think there are represented there very nearly the number that would be required—about eight or ten—it depends on the size of them. Eight or ten would be enough I think, because no man could hit his distance exactly, and a space may be left between them; then there is a heavy chain over the top of them. You could not suspend a chain or hang it up without something of this description to render it effectual as a barrier.

291. Do you think that with that chain, in addition to these vessels, a powerful steam frigate could not pass the barrier you describe? Nothing could pass it; they are all supposed to be on the ground, and present a perfect impediment. A vessel may as well attempt to pass through the Gap.

292. In addition to this barrier at the Sow and Pigs, you propose that batteries should be placed on George's Head and Middle Head, to play on any ship that may attempt to pass that barrier? That was my plan at the time this was sketched out, but in the event of our having a block-ship those batteries would be no longer necessary.

293. In the event of no block-ship being brought here, you would then be in favour of having batteries as well as your proposed barrier? Yes; just a few sand bags thrown up on George's Head and Middle Head, and a few on the Inner South Head, so that they could open fire when the enemy got in a fix.

294. *By the Chairman*: Your present plan is to have a block-ship—do you mean such a ship as has been offered—a steamship? No, I think we want merely a hulk. The other vessel offered would answer our purpose.

295. An ironclad hulk? No, merely one of the old line-of-battle ships—the teak ship as mentioned in the papers on the table, and which I consider would be good and sound as a hulk for 100 years. With your permission I would proceed to remark on the way I should suggest for manning this vessel. I may tell you that when I was in England I felt such an interest in this subject that I used all the little influence I could get to bear, which I believe had some little effect, to change the Naval Station. At that time, you may remember, these Colonies formed part of the East Indian Naval Station; and in connection with that I also coupled this block-ship, and submitted my scheme to both the Palmerston and Derby Governments. My plan was, that the Home Government should give to each of the Colonies a block-ship. I think I indented for four—Sydney, Melbourne, Hobart Town, and Adelaide; and I offered to bring them out myself free of charge, having the privilege of bringing out immigrants in them; in fact, I have written to my agents by the last mail to say what they would undertake it for, and, supposing the vessels to be here, I suggested that they should be officered by the Admiralty, from the broad pennant of the Commodore on the station to the lowest warrant officer on board; and further, that there should be about twenty-five able seamen to perform the part of trainers, or gunners, and that the balance of the crew, to whatever extent you wished the vessel to be manned, should be made up out of a militia raised in the Colony, the Imperial Government to find the Admiralty staff, and the Colony the militia. My plan went so far that it could not be done without a Militia Bill, creating a force sufficiently numerous that the militia would only be called out on permanent duty once in twelve months, say for six weeks at a time, or as it may be arranged, keeping, at all times, 600 men on board the vessel, or you might say 200 if you liked; that would be altogether a matter of expense for the consideration of Parliament.

These

These men could be taught, not only to work the big guns on board the vessel, but they could also learn to work guns on shore, should the necessity of the case require it. Say you had a militia of 10,000 men, only a few hundreds would be required on board at a time, but all the rest would be subject to be called upon in the event of necessity; and there would then be trained men capable of working guns on shore, as well as on boardship, boarding ships, or any other duty. That was the scheme I had for manning the vessel under a militia law, because I contend that it is impossible ever to train men to naval or military tactics without having them under regular rules of naval or military discipline.

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296. Why do you select this place (*referring to sketch*) for mooring your proposed block-ship? That is only in case of war.

297. I mean in case of attack, why select that spot? The western channel is the one better known and would be the one through which any sea rover would be likely to sneak in; if we had that dammed up the blockship would be sufficient to protect the other. You asked me the question if I preferred a steam vessel? The engine room of a vessel of that description would cost more than all the other departments, and perhaps after all her engines would not want to be turned round twice in twelve months. But we have now, with our Colonial steamers, the means of moving a block-ship in a very short time, even supposing we had none attached—that is, no regular steam-tug attached to the block-ship—to the vessel itself, though in the event of war it could always be so arranged as to have steam application ready at all times to take the vessel in tow in case she was wanted to be moved. If the block-ship was moored here, in the event of any fellow sneaking past, she would have to follow him; and this steamer should be always ready, not only to take the man-of-war block-ship in tow, but also to perform the work of towing ships in and out for commerce purposes and the steamer's profit.

298. Would you entirely shut up the main channel? I would shut it up in time of war, except that at all times there would be an opening here (*referring to sketch*) through which vessels might pass, either before the wind or beat through. A vessel working up or down has only got to make a tack and pop through either way. It is a mistake to suppose the channel is to be blocked up altogether.

299. By sinking anything in the channel, is there not some danger of damaging it? No, it would give a greater impetus to the tide through that channel, and would rather deepen it; but there would be no necessity for the vessels to be sunk unless the approach of an enemy was feared or expected.

300. What would be the cost of a line of vessels such as you propose to block up the channel with—say ten ships? Well, it would only be for a case of emergency, when high prices may be demanded. There would be no necessity for these vessels to be totally destroyed; after our difficulty was over they might be renovated or resuscitated and turned again into merchantmen.

301. Would you suggest having this passage blocked up in the event of a war, without — ? Much would depend on the nation we went to war with; but I would have preparation made in the event of war; I would immediately apply something of that kind. I think a line of soundings should be taken with as little delay as possible; and if the Government do not choose to make immediate preparations, they should at all events have before them something prepared for the contingency—say they lay down the anchors for mooring the hulks intended to block the harbour.

302. What is the breadth of this channel—the deep portion of it I mean? I think about a quarter of a mile.

303. Say 500 yards—that would not take many ships? No. I should think, on the average, these vessels, at the outside, would not cost more than £1,000 each, and may be worth £500 when done with. I should have been very happy to have presented the Government of the day with "Rotten Row," but it is no longer available. Speaking of the block-ship, there is another thing I forgot to mention. I think the moral effect of such a vessel being known to be in our at present defenceless harbour, would do a great deal to prevent the intrusion of some of these mischievous fellows that might be disposed to lay us under contribution to an amount, perhaps, that would keep up the militia for twenty years.

304. Do you know anything of the Port of Newcastle? Yes, I have been frequently there.

305. Do you think it would be necessary to fortify that port in any way? Well, there is no great temptation in Newcastle. Of course if the enemy should be, as I would suppose, a steamer, he would want coal, but to get that it would not be necessary that he should visit Newcastle, because he could take any of the coal craft outside, so that it would not be worth his while to run the risk of going to Newcastle. There are no banks there that keep much coin.

306. A supply of coal could be got without the trouble of going in? Yes. I think the moral effect of our having a block-ship would go further to keep these fellows off than anything else that we could adopt to frighten them. With all respect to our friend Captain Ward's suggestions, and without doubting what these tremendous guns he proposes would do if brought to bear on a vessel, I would say that any fellow that will attempt to do us any mischief will be a knowing hand, and he will steal in at night, or under all the semblance of a friend imaginable; there would be no chance to get these pieces of machinery to bear on him; he would walk very quietly under the magazine, and take the musket from the sentry's hand, and perhaps set a match to it—but that would not be good for him. He would get in without giving a chance to any of these guns to pop at him. The first information I think we would have of him would be the smell of his powder—the sound of his artillery. It is not now, as it used to be formerly, that sailing ships must be off the port reconnoitering for some time; but these fellows now can be in the offing, measure their distance, and walk in in the darkest night, when least expected.

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307. *By Mr. Egan*: I understand you that the block-ship you speak of is to protect the eastern channel? To protect the harbour entirely.

308. From vessels entering by the eastern channel? Yes. I have suggested that, in case a hostile visit was apprehended, the western channel should be entirely blocked up; then the block-ship would lie here (*referring to sketch*), off the eastern channel, with springs on her cables; but should, by accident, any vessel pass, here is the steamer to take the block-ship in tow and follow him up. Nothing could enter without the observance of the block-ship, and in case of anything getting into a fix here (*referring to sunken vessels*), here are fifty guns bearing on him. With a block-ship, these sand-bag batteries would be no longer necessary.

309. Do you think it desirable to have a fort upon the North Head? It would be very desirable to have forts on both; but look at the expense it would take to keep them manned, and what would be the use of the men if an enemy passed them?

310. Supposing the block-ship was stationed there, there would be a certain number of persons on board for the purpose of training the militia—could not these same people go and exercise and keep in proper order the batteries? The whole of them, and they might even be erecting the batteries. In the event of this vessel being sent down here, part of my scheme was that she would do very well for the survolen of a party of convicts to form a battery on the Sow and Pigs.

311. Would you have a battery on Middle Head? Yes, it would be splendid if you could afford to have both. But, as far as batteries alone are concerned, if an enemy's vessel once passed Middle Head, you are done with all your military science; she would be out of your reach.

312. Do you not think it would be a very good mode of employing convicts, in constructing batteries? Yes, first-rate; they could not be better employed; and I would begin by making one at the Sow and Pigs.

313. That would be a very expensive battery to erect? I do not know; it is level with the water's edge, and you get all your stone for nothing.

314. Do you not think batteries on Middle Head, George's Head, and the Inner South Head, would be sufficient? No; those are splendid positions for batteries, and they were recommended, I believe, by Colonel Gordon and Colonel Barney, and supported by Sir John Burgoyne, but ultimately ignored by Sir William Denison, when he commenced on that grand position, Pinchgut.

315. *By Mr. Piddington*: Which is now proposed to be dismantled? Quite so. The block-ship would be always a more desirable means of defence than merely fortification. Now, speaking of officers from the Admiralty, or the Commodore upon the station, the ships of war here are nearly always double officered; and if the Admiral or Commodore upon the station would have his pennant on board his own ship, he would still have a ship on the station which would be a seagoing ship, but he would take charge of the block-ship here with his men, so that it would not be a very expensive thing to the Home Government, for they could spare a sufficient number of officers from the ships on the station. They come out now with so many supernumeraries, and the Admiralty, like other people, is so anxious for patronage, that they cram as many on board as they can on pay. Well then, let them divide—split the difference—and give us sufficient to train our militia, and it would become an easy matter between the pair of us.

316. *By Mr. Sadleir*: Are there not plenty of officers on half-pay in England who would be induced to come out for a purpose of this kind, if we gave them Colonial pay in addition? Plenty of them, and the Admiralty no doubt would jump at the chance of thus employing deserving men.

317. *By Mr. Egan*: You spoke of having convicts on board the block-ship—in that case there would have to be a staff of Colonial officials? That might be arranged. Of course you could not mix "Jack" with "lags"; but the surveillance of the convict gang might be well put under the direction of the guard-ship.

318. *By Mr. Sadleir*: Could we not have, as a light-ship, a vessel suitable for a block-ship? You could, no doubt; but what I suggest for a block-ship is, that, in the event of an enemy passing, she should follow her up. The forts, in that case, are left behind; but here my steamer stirs up her fires and takes the block-ship up to follow him.

319. The same could be done with the light-ship? You might make the light-ship into the convict hulk if you like; a working gang might be put on board the light-vessel.

320. *By Capt. Moriarty*: Will you permit me to request you to favour the Committee with your opinion on one or two points—I think I gathered from you, as you went along, that you are friendly to the erection of batteries at Middle Head, and South Head, and on the North Head, except with reference to the expense? Decidedly.

321. And also to the establishment of a permanent battery on the Sow and Pigs? Quite so.

322. And you are opposed to permitting a vessel to get up to the inner harbour without getting a hammering on the way? Most decidedly.

323. You would not dismantle all the forts at the mouth of the harbour, in opposition to every principle we ever heard of, with a view to adopting a principle that would necessarily lead to the destruction of our town, while our batteries were engaged with the enemy? No, certainly not; but that has been done.

324. You do not approve of that? Certainly not.

325. There has been a suggestion made about converting the light-ship into an active vessel-of-war—is it not a general rule, universally acted upon, that lights of all description are universal, and are never placed as objects of destruction to an enemy? It is; they are never established with any intention to be otherwise than permanent beacons of danger.

326. For the benefit of all the world? Quite so.

327. And not to be converted at any moment into an engine of war for local purposes? Most certainly not; but the light-ship might have a gun of his own that he might use as a signal gun.

328. Would it not be an interference with general principles to give a light-ship a warlike character? I never heard of a light-ship or light-tower being converted into a fortification or ship-of-war.

329. We have it, you know, that the King of France cashiered one of his officers for firing at a light-house? No doubt they are looked upon as neutral to all. This block-ship is only to be down at the position represented here (*referring to sketch*) in time of real war, but if she comes out now she can be in preparation for such an exigency, and in the meantime she might be converted into a convict hulk to some extent, and rendered useful in the construction of fortifications in various parts of the harbour; but in the event of war she must be cleared out for her own province—the protection of the harbour.

330. Would not such a ship be a convenient place for the education of all those unfortunate youths who are straying about our streets without anybody to look after them? You could not have both convicts and the rising youths you refer to.

331. Could you not have a school on board every day? Do you mean a sort of reformatory school?

332. No, I would not go so far as that, but could we not, in a ship of this kind, educate a number of these destitute youths? No doubt; and in fact at one time I offered one of my "Rotten Row" for the purpose, and would have taken a leading part in the management of such a school, but the offer was not accepted.

333. *By Mr. Piddington*: I should like to know how many guns on one broadside would the block-ship you allude to, possess? I should think, at least, forty.

334. On one broadside? On one broadside.

335. Then you contemplate having an 80-gun ship? Yes, or she would be very likely a 100-gun ship.

336. The ship you speak of would have, at least, forty guns in a broadside? Yes.

337. How many men would be required to man her? Well, I can hardly say how many men is the complement for a ship-of-war of that size, but I should think about 600 or 700, having neither canvas or steam to work, but the guns only, a less number of men would do.

338. Where do you contemplate getting these men from? A militia.

339. Do you know how many men have now volunteered in the Volunteer Artillery altogether? No, I do not.

340. Or how many in the Naval Brigade? No. These would be auxiliaries; but what I should recommend would be a militia of sufficient force, so that they would only be called upon to serve for permanent duty once in twelve months, for six weeks at a time. Then they would be strictly under naval control on board the guard-ship, and their duties would be not only to work the guns on board the vessel, but to perform every other manœuvre that they could be taught, and also to work the guns on shore. When on duty they would be paid the same as all other militia—the Home Government, as I said before, to officer the vessel, from the broad pennant down to the cook's mate.

341. Are you of opinion that the block-ship would be a more effective means of defence, at the point you wish it to be moored at, than a land battery? I do, for the reason that she could follow up an enemy with eighty or a hundred guns; she is a movable battery, but the other would be useless if a fellow once gets past under the cloud of night on the appearance of friendship, whereas the block-ship detects him and follows him up.

342. Do you contemplate this proposed block-ship being covered with iron in any way? No.

343. Do you think it likely that an iron-clad ship will ever form part of a privateering force such as would be likely to make an attack upon this port? No, I do not, so far as we know now; but we do not know what inventions may be brought forward. There may be such improvements that a fellow may even lie out in the offing for a couple of days and put on his iron jacket before he comes in to the attack.

344. Do you not think that with batteries at Middle Head, George's Head, and the Inner South Head, without a block-ship, but with your proposed line of sunken vessels, we should have a sufficient defence to be relied on? No doubt, but the block-ship is an addition, and would be the most valuable of all in case of an enemy slipping past the batteries. My proposition is not to go to the expense of building batteries, but merely to throw up sand-bag batteries for the occasion, with two or three guns each perhaps, but let them be effective.

345. Do I understand you to admit that, with batteries at Middle Head, George's Head, and the Inner South Head, a block-ship would not be indispensable? No, she could be done without very well. The principal thing is to obstruct the channel so as to make it difficult or impossible for an enemy to enter. It was very well known that had they not blocked up the harbour at Cronstadt, at Sebastopol, during the Russia war, and at Charleston at the present day, the forts would have been a failure.

346. Have you perused this report of Captain Ward's? I have.

347. Do you think that the present inner batteries—the batteries in the Inner Harbour, as they are called—are sufficient as a defence against two or three steam vessels? I think they are a perfect farce, not worthy the name of forts or defences; and that is well known to those parties that would give us annoyance.

348. Do you consider this proposal of Captain Ward's, contained in his report, to add some additional Armstrong guns on various spots in and about the harbour, would prove an effective system of defence as compared with the proposal to fortify the mouth of the harbour? I think not certainly. They are very pertinent suggestions if Captain Ward could be sure of getting his guns to bear upon the enemy; but I contend that if we are ever molested at all it will be by some schemer who knows the harbour as well as we do, and will smuggle himself

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himself in at night, and take us by surprise in the morning, when these guns will no longer be able to reach him. It is true Captain Ward proposes to have a gun on the Flag-staff hill, and another on Goat Island, but the enemy would have ample time to take possession of that magazine before the sentry would be awake.

349. Then I understand you to be of opinion that, supposing all these proposed forts, recommended by Captain Ward, were constructed, a steam vessel, or a number of steam vessels, might pass in the night without any of these forts being able to direct their fire upon them? Yes, decidedly, if without any impediment in the channel.

350. Can you point out any spot in Darling Harbour where a vessel could lie out of the reach of any of these proposed towers? A vessel could lie in Chowder Bay without being interfered with.

351. Captain Ward, I think, proposes a tower on the South Head—would not that command Chowder Bay? No, I think there is no such thing in his report.

352. Generally, you do not approve of Captain Ward's proposal as compared with an outer line of fortifications? No.

353. Here is the plan of the Harbour of Port Jackson, appended to Captain Ward's report—can you point out any particular spot where a vessel could be brought up, and shell the town out of reach of these guns? In Chowder Bay, or Taylor Bay, I think. No doubt the suggestions of Captain Ward are admirable, provided you could make sure of an enemy coming in in the daytime when you could get the guns to bear upon him; but what we have to apprehend is strategy, daring, and sneaking in under cover of night.

354. *By the Chairman*: I understand you to object to Captain Ward's system on account of the expense? No, I think the cost of Captain Ward's scheme is less than that of any other proposed of the kind; I think that is one of its best points.

355. *By Mr. Piddington*: Have you any reason to suppose that Captain Ward is correct in his estimate of the expense? My experience in such matters is not sufficient to guide me in forming an opinion as to that.

356. Have you any idea what a tower could be constructed of cast-iron for, for a battery? Not the least. I should suggest to Captain Ward that, instead of having one or two guns on Clark Island, he should have portable guns on the cliffs, so that he could follow the enemy if he saw him.

357. *By Mr. Sadleir*: I think I understood you that you want to prevent facility of entrance to the harbour? Quite so.

358. And your idea is that, in case of our being taken by surprise, the block-ship would pursue the enemy into the harbour? Quite so; that is my plan.

359. Do you not think something besides is necessary to discover that an enemy is in the neighbourhood at all? I take it for granted that we should have a naval squadron constantly cruising about outside.

360. You look to the naval squadron for the protection of our commerce? Certainly.

361. Do you think our magazines are placed in safe positions? I never thought that Goat Island was a suitable place; it might have been so formerly, but it is not now.

362. You do not seem to think an enemy would enter into the harbour of Newcastle? I think there is no temptation there.

363. Do you not think a large contribution might be raised there? It would not be worth while the risk.

364. Would not they destroy our commerce there? That is not their object; they would merely want to levy a contribution in hard cash, and they would not get much there. I am identified with one of the leading institutions in money matters there, and we keep as little money there as we can help. They might give them a cheque on Sydney, but it might not be convenient to present it.

365. You wish a raise a militia to man this vessel? I think that would be the best means of doing it; not only to man this vessel, but to form the nucleus round which we might have a protective army, in the event of any disturbance taking place.

366. I suppose there are always as many as 2,000 seamen in this port at a time—could we not make a militia out of them? I do not want to ask as a favour what we can command as a right. I think it is no more than the duty of every man to give his assistance in defending the country. You can never have men to do their duty properly, unless you have them under the control of discipline. The whole of my secret on defences is, that I contend that, with all the fortifications you may erect in Sydney, and about Sydney, the harbour never can be safe without blocking up. It is of such easy access that ships would run past forts like a shot. But get them in a fix by hampering them at the entrance, and then you can deal with them.

367. Would not a battery on the Sow and Pigs be of great importance in raking a vessel coming in, and after she had passed too? It would be worth all the rest, if you had a powerful tower there. Captain Ward, in his able report, illustrates, in a scientific manner, the ease and certainty with which a vessel may be sunk and destroyed by the improved guns, placed as he described, should such enter our harbour. This I am free to admit, provided the enemy was fool enough to expose himself to such—and here lies the danger. The enemy we have to fear, Gardiner-like, will not meet our guns on scientific principles, but take us by superior strategy and daring, as the former did the escort.

TUESDAY, 28 JULY, 1863.

Present:—

CAPT. MORIARTY,	|	MR. COWPER,
MR. EGAN,	|	MR. ARNOLD,
MR. SADLEIR,	|	MR. PIDDINGTON.

WILLIAM MACLEAY, ESQ., IN THE CHAIR.

Lieutenant-Colonel Henry Mead Hamilton, H.M. 12th Regiment, examined:—

368. *By the Chairman*: You are Commanding Officer here? Yes.

369. Have you at any time paid any attention to the question of the defences of this port? I have of late looked at the forts, and formed an opinion of my own as to the way that I would provide for the defence of the harbour.

Lieut.-Col.

Hamilton.

28 July, 1863.

370. Will you state to the Committee what opinion you have come to, as regards the present fortifications, and mention at the same time what you would recommend? In my humble opinion, I do not consider that the defences or fortifications at present in existence are sufficiently far advanced, and, I think, whatever means may be taken to guard the anchorage, that the first great object should be to prevent the entrance of any vessels to the immediate vicinity of the town.

371. You think our first business should be to fortify the Heads, so as to prevent a hostile ship or ships from coming in? That is my opinion.

372. Where would you suggest that guns should be placed? I should place a fort on the South Head, containing from thirteen to fifteen 68-pounder guns, surrounded by a fosse at least fourteen or fifteen feet deep and twenty feet broad; but the exact proportions should be arranged by engineers; I do not profess to give any opinion about that. I would have the fort loopholed, so that it could be occupied by a number of infantry as well as artillery, to fire on any force that might attack it by land; and I would have the guns not less than 68-pounders, with a bomb-proof magazine, of course, and, if possible, shelter for a certain number of men. I think 100 infantry and 80 artillery men, in that fort, would secure it against any attack from the land.

373. From a very superior force? Yes. Again, I would place on Middle Head another battery of a similar description, loopholed, with from nine to twelve guns, some of them pointing outwards, to make a cross fire with the battery on South Head, and others pointing up the harbour; so that if anything did pass, these guns could rake them as they passed. I should then propose a similar fort, for from nine to twelve guns, on Bradley's Point,* some of them facing towards the entrance to the Heads, so as to rake any vessel coming up, and the others to fire across to guard another battery which I would propose to put on Clark Island. That fort would be a similar fort to the others—an open fort, loopholed, and with a deep fosse all round it. I would have 68-pounders in all these batteries. I would then propose a battery on Clark Island, with one 300-pounder and three 100-pounders rifled guns, facing outwards.

374. Facing down the harbour? Yes. I do not say these should be Armstrong guns, because I believe the Whitworth's to be far superior to Armstrong's, and that they will eventually supersede them entirely. Then as that battery would be more or less unguarded, I propose that you place a platform, with earthworks and embrasures, on Point Piper, and another on Shark Point, Greyliffe. The platforms on these points should be made of deep earthworks, for from two to four guns in each, as you may think necessary. I should think three guns in each would be almost enough, but it is always well to have a spare embrasure. These guns I would propose to be furnished from the movable park which you have in Sydney, and instead of its being left at four, I would recommend its being increased to six 40-pounder rifled guns.

375. Two more than we have at present? Yes; because then, in case of any emergency, you can immediately send off two or more guns to each of these points; and then your defence, in my opinion, is pretty nearly complete.

376. Would you recommend, in combination with these batteries, any attempt at stopping the narrow passage at the Sow and Pigs? If it was possible; but from what I have heard of it, and the distance across, it appears to me that it would be a very difficult undertaking; and I do not think, if these batteries were properly manned, that there would be the smallest necessity for it.

377. Would you suggest anything on the Sow and Pigs? I do not think so. From the batteries I have suggested, you can rake everything that comes inside, if they do get in—but I do not think they will ever come beyond where these batteries are.

378. You do not include the North Head in your present plan? No, because I see the great difficulty in getting any troops over there, or keeping them supplied. If you have any force there, it must be a permanent force; you could not reckon on its being supplied from Sydney.

379. What number of men would be required to man these batteries? I think it would require 200 regular artillery men and 800 bayonets.

380. That is in addition to any Volunteer force? In addition to any Volunteer force; that is, if you wish to be prepared for anything.

381. At present the force here, of all arms, is somewhat less than that? I believe there are only forty-five artillery men here. I could not turn out more than 180 men, I know. I would also suggest that good macadamized roads for the movable artillery should be made to all these different points, where I have suggested batteries, leading off the main road.

382.

* NOTE (on revision):—It is particularly requested that a furnace for supplying hot shot be erected on this battery.

- Lieut.-Col. Hamilton.
 28 July, 1863.
382. And to Middle Head, I suppose, too? I do not know the ground between this and Middle Head. You would want a permanent force there.
383. In time of war, what force would be required to be kept at Middle Head battery? I think you would want 100 bayonets, and sixty artillery men; that is, when there was anything going on.
384. Would it be necessary to keep that force there constantly? No.
385. Or could they not be reinforced at very short notice? Certainly. I think it would be only necessary to keep, say twenty-five artillery men permanently there.
386. What plan would you suggest in order to enable that battery to be reinforced quickly—what preparation would you make to send 100 men there at very short notice? It must be done by steamers. The nearest point that would be safe appears to be Bradley's Point.
387. Then would you make a road from Bradley's Head to Middle Head, along the top of the hill? The distance might be shortened by landing the men at Chowder Bay, but that would not be so much under the power of our own guns. I think I would be disposed to make a road from the neighbourhood of Bradley's Point—from the most convenient ground there to Middle Head. The great thing is to have the landing-place completely under the fire of our own guns.
388. *By Captain Moriarty*: Are you aware that there is already a road running past St. Leonard's for a considerable distance in that direction? I would certainly adopt that road, and continue it, if it is suitable for the purpose. It need not be a very broad road.
389. *By the Chairman*: The inner batteries, or earthworks, you have suggested at certain points, would of course have to be supplied with guns at a moment's notice? Yes, from Sydney.
390. It would be necessary then to be prepared with some arrangement for getting horses? Precisely. I would recommend that there should be four permanent horses for each gun, with permanent drivers regularly attached, and kept for the purpose; of course, they could be used in any way the Government might wish. I would then suggest that the remaining horses required for these guns—from eight to twelve horses being required for each gun—should be supplied either by the police, or that an arrangement may be made with the licensed draymen, whose horses are much better fitted for the work than any others in Sydney, to give the use of their horses when required by the Government for any special service.
391. At a fixed rate? That would be for the Government to decide.
392. I mean you would not claim the right of seizing upon them without paying the men? No, but I think the Government could claim the right of using them in the same way as they do in England, where you can press their services, giving them a fair rate of payment. Let the Government fix the rate, and compel them to perform the duty at that rate.
393. Then you consider it would take twelve horses for each of these new guns? From eight to twelve. It would depend upon the weather and the state of the roads. Eight horses would move them with difficulty.
394. Would it not be also advisable to prepare some system of moving about the 9-pounder field battery we have here—they might be of some service? They are so very light as to make it hardly worth while. If the arrangement I have spoken of was entered into with the draymen, it would be necessary to have a certain number of days told off in each half-year for drill, remuneration of course to be given them while so employed.
395. You recommend that four horses for each gun—that is, sixteen horses—should be kept permanently? Yes; they could be used for any purpose the Government required, and for Volunteer field days; there is no reason why they should not be used for drawing the vans of the police, and things of that kind.
396. Have you any idea what amount of ammunition has come out with these 40-pounder Armstrong guns? I can find out for you.*
397. *By Mr. Cowper*: If we had all the guns you speak of in position, do you think it would be necessary to keep any large number of men constantly prepared? Not in such times as these. I think you ought always to have a force at the rate of about three men to each gun; for instance, at South Head there should be thirty-six men. In times when there was anything going on you would want eight or ten men to each gun, with 100 to 150 infantry in that fort. In case of any ship attempting to run past with her decks crowded with men, the infantry would be able to do a great deal of mischief, even at a range of 900 yards; but their principal use would be to defend the fort from any land attack that might be made with the view of silencing it.
398. In the present state of the world, as regards war and peace—is there anything you would recommend for immediate adoption by the Government, so as to be on the defensive against any sudden and unexpected attack? I would commence first of all with these earthworks and platforms at these three points, and I would simultaneously finish the battery at Bradley's Point, and get the guns on Clark Island—the large 300-pounder and the 70-pounder rifled guns. These would prevent any ship from coming in, and the other forts may be finished afterwards. These three platforms can be very easily done; and you can nearly man them as it is.†

399.

* NOTE:—On application made by Colonel Hamilton, the following information was supplied from the Military Store Office. The amount received for the 40-pounder Armstrong battery is as follows:—
 Powder A.—4,000 lbs.; powder L.G.—963 lbs.
 Cartridges filled:—Calico bursters, 40-pounders—common, 2½lbs., 150; segment, 10 ozs., 170.
 Flannel, 40-pounders—5lbs. with lubricators, 400.
 Shells, 40-pounders:—Common, E.O.C., 450; segment, L.M., 510.
 Shot, 40-pounders, L. M.—Service, 240; drill, 8.
 Fuzes, pillar, Armstrong's, L.M., 720.

† NOTE (*on revision*):—As ten 100-pounders are coming out, I should place three of them on Clark's Island, three on Middle Head, and two on the South Head; the others to be placed as hereafter required.

399. Have you seen the proposal of the Home Government to send us a block-ship? I have. Lieut.-Col.
Hamilton.
400. Do you think such a ship would be of any use? No doubt she would be of great use, but the expense of keeping her up would be very heavy. 28 July, 1863.
401. More than commensurate with any advantage? I think when once these other forts are finished, they will be much less expense, and the harbour will be more efficiently guarded than by a block-ship.
402. *By Captain Moriarty*: I gather from the observations you have favoured us with, that your system of defence is calculated to guard this harbour from any naval force that can come here? Certainly.
403. You adopt your view as a means of protection against a formidable naval force? Any force.
404. And you are of opinion that it is the proper system to adopt in the fortification of any harbour, to render it impregnable? I think the chief thing is to prevent the enemy from coming in.
405. *By Mr. Piddington*: Have you ever paid a visit to Middle Head? No.
406. In your proposed system of batteries, can you point out any one particular spot which you consider to be the most suitable spot with regard to effectiveness, against the incoming of a naval force, over any other? I should be very happy to go down there at any time and give an opinion; but I would suggest that the guns should face some towards the South Head, and others up the harbour, so that they could fire as any ship would be coming in, and after they get in could rake them.
407. From the plan appended to Captain Ward's report, do you not think that Middle Head is one of the most suitable points for fortification that we have? Yes, I think so.
408. You attach considerable importance to that point as a means of defence? I do.
409. I think you state that about twenty-five artillery men would be about the number required there in time of peace as a permanent force? About that.
410. Do you see any reason why some of the artillery men now in the Colony should not be stationed there? No, I think it would be the best place for them.
411. Comparatively they would be far more likely to be of service to the Colony than they would at Dawes' Point? I think so; I do not think they are of any use at Dawes' Point.
412. I presume accommodation for twenty-five artillery men may be secured at a tolerably moderate expense? I could not form any idea of the cost.
413. Ordinary barrack accommodation would be sufficient? Yes.
414. I gather from you that you do attach very considerable importance to Middle Head as a site for a battery? Very, because it commands not only the entrance, but it has the power of raking any vessel after she gets in.
415. Guns, I presume, placed on the spot you point out, would be effective in attacking an enemy passing the Sow and Pigs? Certainly, they would take him before he comes in; they would take him between the North Head and South Head, and they would take him between Middle Head and South Head, and then rake him all the way up the harbour.
416. Are you aware that the Government intend to import ten Armstrong guns—100-pounders? No.
417. If the Government have such an intention, do you not think that a suitable spot on which these guns should be placed? Not all of them, decidedly.
418. How many Armstrong 100-pounders would you recommend being placed there, supposing they were here now—supposing we had ten here now—how many would you think should be placed there? I should imagine two Armstrong, or two rifled guns would be sufficient, besides the 68-pounders.*
419. *By the Chairman*: When you suggested solid 68-pounders, did you mean that they were the very best guns for that position, or the best guns that would be likely to be got? I consider that for the distance the 68-pounder is preferable to even the Armstrong guns. The distance is only a mile, and there is no gun found so effective as the 68-pounder for a short distance.
420. Have you any idea of the cost of 68-pounders? I have not.
421. *By Mr. Piddington*: You recommend 68-pounders with reference to pointing their fire up the harbour, do you not? No, for any short distance—anything from a mile and a-half downwards.
422. If you were to visit Middle Head you would observe that it commands the entrance for some distance out to sea—in such case would not a rifled Armstrong be preferable to a 68 pounder? Yes, decidedly.
423. *By Mr. Couper*: With reference to your answer as to placing artillery men at Middle Head, would there be any employment for them in time of peace? They would have the place and the guns to look after, and they would have the usual drill. Of course they would be allowed leave now and then.
424. Would you change them with the Sydney detachment? I should relieve them every fortnight in the same way as the guard is relieved at Cockatoo.
425. The artillery men at Dawes' Battery now take their turn on guard with the infantry? One day a week is all we get out of them.
426. *By Mr. Sadleir*: Have you turned your attention to the probability or possibility of a landing being effected at Botany Bay by an expedition sent against us? I think it would be perfectly feasible for a force to land there.
427. Would it be necessary to take some measures of defence there? If it was anticipated, I think there might be a couple of batteries on the Heads there; but I should think the entrance

* NOTE (on revision):—I should recommend three 100-pounders guns on Middle Head in addition to those already named.

- Lieut.-Col. Hamilton.
 28 July, 1863.
- entrance to Botany might be easily blocked up. I do not know whether it would be considered advisable to do so.
428. You have not thought of Newcastle, I suppose, whether it would be any necessity for protection there? No. I have been there. I should think it might be very easily defended; the channel is very difficult.
429. Do you not think a flying park of artillery might be sent to Botany in case of any attempt there? It would be perfectly possible for you to put earthworks and platforms with embrasures there to have them ready for artillery; and in that case it would be necessary to put the road in good order.

John Evelyn Liardet, Esq., called in and examined:—

- J. E. Liardet, Esq.
 28 July, 1863.
430. *By the Chairman*: You have paid some attention, I believe, to the question of iron-clad batteries? I have. Some years ago I submitted to the Government some plans of fortifications, of which I have copies here now. (*Plans produced.*)
431. Will you explain to the Committee the principle on which you propose to proceed? The principle I proposed to the Government was to have batteries formed in a different shape from those at present in use, shewing all rounded curves, no sharp angles, in order that shot should not take effect in destroying the masonry.
432. To make the shot glance off in fact? Yes, as indicated in these diagrams—(*referring to plans produced.*)
433. What would be the shape of the plates of iron? I originally thought pig iron would have been the best thing; but the plan I submitted was that it should be sheet iron—plates of iron.
434. Of what thickness? In some places a foot in thickness, and in others six inches; but I fancy iron six inches thick, placed in this position, would have quite as much effect as iron even a foot thick, backed up, as it would be, with solid mass of masonry behind.
435. How would you fasten it on to the solid masonry—if you were facing a battery cut in the solid rock, for instance, how would you fasten on the plates? Well, I hardly know how that would be done, but I should fancy it would be quite easy to do it; I should think the iron plates could be bolted together, and also bolted into the rock.
436. You brought this plan of yours before the Government some time ago? Yes, in 1854 I brought it before Sir Charles Fitz Roy's notice. This (*producing a letter*) is a copy of the letter I sent to the Governor, and of the reply.
437. Will you state shortly the tenor of your application? It was just before the Russian war broke out, and at that time there was some idea of building batteries in Sydney. I employed my time by having these plans drawn up, and submitted them to the Government at the time, thinking they might be adopted; but His Excellency answered me by saying that fortifications were then being erected under the directions of the Inspector General of Fortifications. I sent similar plans to these to the Governor at that time (1854) and I presume they would be at Government House now.
438. You never got them back? I never got them back from Sir Charles Fitz Roy; but these very plans (*referring to the plans produced*) I submitted to Sir William Denison afterwards, and the Governor approved of them, but nothing was done in it that I am aware of.
439. Did he not make an application to Parliament for some money to test the strength of iron plates? Yes, he did; and Parliament granted £50, on the application of the Governor and the recommendation of Colonel Barney, early in 1860 or latter part of 1859, to have a plate of iron made to test these very plans; but the £50 was ascertained not to be sufficient. I wrote then to say that I would give the remaining sum that might be required to carry out the plans, and received a reply dated 9th May, 1860 (which is here), stating the Government were not dependent on private contributions to carry out their plans, and I heard no more about it. I have several letters from Sir William Denison's private secretary, and my answers to them. He certainly, in all personal interviews, gave me every sort of encouragement, and told me it was something very superior. At first he told me he would submit the whole of the plans to the Inspector General of Fortifications in England, but he afterwards wrote to say they were not in that complete state that would warrant his doing so. I presume I had not gone into the details—the actual cost, and all that kind of thing, which I did not understand; but I submitted that the Engineer Officer of the Colony would be the proper person to ascertain the cost in the event of the Government adopting the batteries. I may say that, since I submitted these plans, the subject of iron for ships' sides, and casing for shore batteries, has been pretty well tested in England and in other countries.
440. On that principle? I cannot say as to the shape, but I believe it has been tried at Shoeburyness and other places.
441. *By Mr. Piddington*: Do your plans contemplate wrought iron or cast iron? Decidedly not cast iron; cast iron would fly like glass.
442. I understood you to say pig iron? I am not aware that pig iron is cast iron.
443. It is not wrought iron? It is malleable.
444. Are you not aware that the targets at Shoeburyness are all made of plate iron—wrought iron? No, I am not. I merely say that the fact that plate iron, as applicable to ships' sides, has been tried at Shoeburyness.
445. Is it that description of defences that you contemplate? No, these defences are specially for shore.
446. I mean with regard to the quality of the iron? No, I certainly do not say cast iron; I should say plate rolled iron. The thing seems to me to be simply this—that the batteries of the present day are all built on a plan to resist shot, so that something must go even with masonry

masonry, whereas even on an inclined plane the shot would run up; but if built on curves, as my plan is, I fancy it must recede. If a shot strikes here (*referring to plans*) it must come back as indicated in these very plans. Of course the battery might be built in any shape or height.

J. E. Liardet,
Esq.
28 July, 1863.

447. *By the Chairman*: Could your plan be made applicable to a ship's side? I fancy if ships were built more after Sir William Symonds' plan, with round sides, as they used to be, I see no reason why it should not. Then the curve would be the reverse way, as indicated here; the shot would go over or under the ship, most decidedly of the utmost service to a block-ship or floating battery.

448. Would it be easy to apply that plan of yours to a wooden block-ship low in the water? I see no reason why it should not. If the curve were reversed there would be no reason whatever; but I fancy that there should be a greater resistance of solid or built woodwork than is used in the ordinary shipbuilding at present.

449. You have no idea of the cost of these plates, I suppose? I presume, even here, such iron would not cost, even in plates, more than about £12 a ton landed here from England, even if they were made in England. If you observe the form of the embrasures in almost any battery, they are all built as it were really to assist a shot to come right up the embrasure and displace the gun; but upon my plan, according to this diagram, unless a shot comes right point blank into the cannon's mouth it is impossible for it to hit it. (*Witness explained by reference to plans.*)

450. *By Mr. Piddington*: Would not your plan diminish the effective power of the gun in the battery? Not at all; it would rather increase it.

451. Would the muzzle of the gun be pointed with as much efficiency under that system as under the ordinary system? Every bit as much, and more so.

452. *By the Chairman*: You mean it would have as much lateral range? Yes. The embrasures are conical, and afford greater range for the guns; if a shot strikes, it will go over either side of the embrasure, and cannot take effect unless point blank into the cannon's mouth; but the present batteries are perfectly square, and there is nothing whatever to conduct a shot off or out of the embrasures. Any person at all conversant with warfare knows that more men are killed from splinters than from shot. Again, I think it is impossible to take a battery of this kind, with a rifle-gallery, as I propose, in the rear. The officer in charge of the rifle-gallery can give his instructions through acoustic tubes to every gun. And again, I have at the rear a yard lined with a coating of iron, to induce red-hot shot and shells and rockets to go off into a water-pit. No doubt batteries on this plan might be more expensive than the present mode of construction, but they would be very much more permanent. There is another thing to which I should like to draw your attention. When the gun is to be drawn in for loading, there is a large plate of iron to be drawn right across the porthole; that I propose to be a foot thick, drawn to with a winch; and I see no reason why the very winch that hauls this across may not, with the opposite turn, draw the gun out for loading, and also into position for firing. Then the porthole is stopped completely. This is the ground-plan of my embrasures. (*Witness exhibited and explained the plan referred to.*)

453. *By Mr. Sadleir*: Your plan would have another advantage, that riflemen could not pick off the gunners so easily? Most decidedly they could not. If you recollect what you have seen of fortifications here—I dare say you have seen them at Portsmouth—the idea of this first occurred to me at Portsmouth—there is nothing to prevent any amount of shells being thrown into them. The batteries thereby drive the men away from the guns; nothing but bravery could induce the men to stand by the guns, which are nothing but targets in batteries of the present day. There is no protection at all in the present batteries. I may say that, as far back as 1851, I asked a friend of mine to make these drawings for me, but I could not get them done then.

454. *By the Chairman*: Had you any previous knowledge of fortification? My family have been in both services, I may say, for centuries, and of course the thing has always, to a certain extent, occupied my attention. In my early days I lived in the neighbourhood of fortifications, and places of that kind, and have always taken an interest in it; I may say from quite a lad I have often noticed to myself the great disadvantages men labour under in working battery guns. In fact, if you go even into the small batteries you have here, the thing seems preposterous, and with the present precision of gunnery exercised now, it is a wonder to me that every man is not blown away from the guns. They can throw rocket and shell with such precision now, that there is no protection at all to the men.

455. *By Mr. Arnold*: Are your drawings sufficient to shew your plan? Yes. I have indexed them, and done everything I could to aid in explaining them; and I have had drawings made as nearly as I could to shew the course of the shot, and I leave the drawings of my plans, and copies of my explanatory letters to the Governors Sir C. Fitz Roy and Sir W. Denison, for the information of the Committee, and wish them to be returned to me when done with by the Committee.

WEDNESDAY, 5 AUGUST, 1863.

Present:—

MR. COWPER,

| MR. W. FORSTER.

WILLIAM MACLEAY, Esq., IN THE CHAIR.

Francis Hixson, Esq., R.N., called in and examined:—

- F. Hixson, Esq., R.N.
5 Aug., 1863.
456. *By the Chairman:* You have been engaged in the "Herald" in the survey of Port Jackson? I have.
457. Is there any suggestion you can make to the Committee as to any means of temporarily stopping the passage of any enemy near the Sow and Pigs, without injuring the harbour in any way? It is possible to secure a chain across there, and to let it remain on the ground at present without inconvenience to the harbour at all. As a means of defence it could be raised and brought to the surface and the channel would thus be completely blocked up.
458. How would you raise it? I would stretch the chain from George's Head, across the harbour, in line with the Sow and Pigs shoal, and, in the event of an emergency, raise it to the surface with floating vessels.
459. From George's Head to what opposite point would you take it—to Green's Point or Lang's Point as it is called? The land is bold right opposite, that would not interfere; I would therefore carry it straight across in line with the rock off Green's Point. The water is rather deeper than at the place I propose; there are six or seven fathoms there.
460. How would you propose to do it—would you have it attached to buoys? Buoys should be attached during war time; in the event of buoys not being required, it would be quite possible, by means of a diver, to pick the chain up, shackle on means for lifting, and buoy it at intervals ready for service.
461. That would take some time to do? It might all be done in a day.
462. What distance would you have between each support in order to keep it sufficiently near the surface? It should be perhaps about every 150 feet, according to what means there were of supporting it.
463. What is the width of the channel there? About eight-tenths of a mile is the distance across. The channel is on either side of the rock.
464. Would a chain, such as you describe, supported at distances of 150 feet, resist a heavy ship, if driven against it? I should propose a chain at present more as a nucleus. If the chain were required for service, it would have to be strengthened and bathed in various ways, which would be quite possible to do with extra anchors.
465. If it were simply buoyed up at distances of 150 feet, it would not be sufficient to resist a ship? I think not at those intervals. I should propose that there should be either ships, or shot-proof tanks, or some other means used. It should be extra strengthened—it would be a very expensive affair to shut up the harbour in that way.
466. Would the simple chain be expensive? The original cost of a chain of sufficient strength would, with its appendages, be between £8,000 and £10,000.
467. Would it not be easy if there were a block-ship stationed at the channel by means of that to close the passage, so far as that by night a ship could not slip through? I do not see how the passage is to be closed effectually, unless by a chain stretching across. There is an excellent channel on either side of the rock.
468. Is the eastern channel a safe channel for ships? Quite safe; the water is deeper there than in the other channel; there is not room in that channel for a ship to work, but a steamer might come in.
469. Then you cannot suggest any effective method of closing up the harbour without sinking —? Without sinking ships, or some other impediments.
470. And that, I presume, might damage the harbour, and cause shoals? I would propose a chain only at present, as a nucleus from which to commence. If the chain were there, I consider that we could at any time close the harbour in one or two days; but we should have to take ships, or any means we have at hand.
471. That is in the event of any large force making its appearance? Yes.
472. What I wish to guard against is, one or two ships slipping past in the night-time? The harbour is so accessible that these one or two ships might chose their channel, and if we put a block ship in one channel, she could block up only that.
473. If in time of war this chain were raised to the surface, buoyed at every 150 yards, leaving this wider passage for the block-ship to be stationed there—would that be sufficient, do you think, without sinking anything to prevent a ship running past, or do you think this chain might be easily forced? I do not think the chain would be easily forced. I should propose a large and effectual chain.
474. It would be easy for any considerable force to remove the obstruction or to break it down, but it would cause some little delay? Certainly, it would be a temporary stoppage.
475. And then, if a block-ship were stationed here, the crew of that ship could be made available for looking after the whole line of the chain? Yes, they could row guard along it, and communicate with the ship, or give alarm. In fact it would be possible to put a guard-ship in such a position that she could be moved across from one side of the harbour to the other. In the event of the contingency you appear to fear now, I should recommend a guard-ship, having a steamer lashed on the disengaged side of her, so that she might move to meet the enemy on whichever side he came.
476. I presume, in the day-time there would be no risk of any ship attempting to enter, if there were guns placed in position on the Middle Head and Inner South Head—no ship would

would be likely to come in under such a fire? I scarcely imagine a ship would enter in the day-time, although in places which have been extensively fortified they have found it necessary to block up the channels. You will remember that the entrance to Sebastopol Harbour had to be blocked up by ships; Charleston was also blocked up.

F. Hixson,
Esq., R.N.
5 Aug., 1863.

477. What is the number of the Naval Brigade of which you have command? 160. Four companies, of forty each, officered.

478. I suppose the principal way in which they could be made available would be to man the heavy guns? We have drill with heavy guns already.

479. Do you think these men could be mustered at short notice, in the event of an enemy appearing? As they get more matured, I should propose to call them together by signal guns, or some other means, at short notice.

480. They receive some pay—do they not? They receive £1 a month.

481. Do you think that, in consequence of their receiving payment, more reliance may be placed upon them than upon a simple volunteer force not paid? They have not been long enough enrolled to enable me to answer that question.

482. The object of paying these men is that you may depend upon their services when required? Yes. I have had no difficulty up to the present time; they have been only a short time enrolled.

483. *By Mr. Cowper*: As yet they have attended with regularity? Yes, very satisfactorily so, indeed.

484. *By the Chairman*: Have you farther suggestions to make to the Committee upon the subject under their consideration? None; more than in as far as I have advocated a chain; it is with the understanding that it would be flanked by a battery at one end of it, and that the guns which resisted the enemy entering the port, as well as those from a block-ship, could be turned on his ships when they were brought up by the chain. This, or the knowledge that the port possessed a powerful iron-clad, that could sink sea-going ships by running them down, would, in my opinion, be the only means of keeping out an enterprising enemy. A railway to Botany, with telegraphic communication with Botany—North Head would very much increase the safety of Sydney as a means of transporting troops and artillery to protect the Waterworks, on which we principally depend. The landing of a large body of men in Botany would be attended with considerable difficulty; enough, however, to take possession of the works in question, and give very considerable annoyance—could be effected sooner than a body of men could be sent from the City to oppose them, in my opinion, at present.

WEDNESDAY, 26 AUGUST, 1863.

Present:—

CAPT. MORIARTY, | MR. SADLEIR,
MR. W. FORSTER.

WILLIAM MACLEAY, ESQ., IN THE CHAIR.

Lieut. Tomkins, R.N., called in and examined:—

485. *By the Chairman*: You have been in the Royal Navy? I have.

486. And you reside near Newcastle? I live near Newcastle.

487. Can you give the Committee any information on the subject of the defence of the Port of Newcastle? Well, I am afraid I cannot give the Committee much information on that subject. I know the harbour well, having frequently been up and down by boat. I never sailed a ship up there, but have seen them go in and out. I have an idea where the defences should be.

Lieut.
Tomkins,
R.N.
26 Aug., 1863.

488. There are none there at present? None. But I may say that Capt. Moriarty knows more of the harbour than I do.

489. You have a chart of the harbour with you? Yes; it is by Mr. Allan, the Harbour Master.

490. It is rather a difficult harbour to enter? It is a very difficult harbour to enter. There are a great many eddies in it, with the ebb tide.

491. What position do you suggest as the best for guns to fortify the place? I would suggest that they be placed upon the hard ground immediately inside or outside of Nobby's, because Nobby's is high, and I would have them on level ground.

492. Then you are not prepared to make any definite proposition as to the way in which the harbour should be fortified? No, I think that is quite an engineer's case.

493. Do you consider it desirable to fortify the harbour at all? Yes, and it must be done sometime or other, as with other harbours that had anything to defend.

494. Do you think an enemy would be likely to enter the Port of Newcastle with the hope of getting booty? No. In former times we did not attack the smaller ports unless they were very weakly defended. An enemy would scarcely attack coal ships. Eager as they might be for prizes, I do not think they would attack those ships for the sake of the timber or coals.

495. Then there can be no great object to save in going to a great expense in fortifying the harbour? Well, you see earthworks are cheap, and great things have been done by them in modern wars, both in America and at Sebastopol. Supposing the earthworks are knocked down where that is possible, they can be very speedily re-constructed. The harbour is very difficult, but steam does away with all these difficulties.

Lieut.
Tomkins,
R.N.
26 Aug., 1863.

496. Nobby's has been cut down? It has.
497. Is it cut away altogether? Well, I cannot really say. I should say it is now as high as this house outside. It is very soft and loose.
498. Would not that be a good position for a battery? Yes; but there is a lighthouse on it. Certainly it would be a good place for a battery.
499. It would command, would it not, the most difficult part of the channel? Yes. There would, perhaps, have to be a great depression of guns there if steamers got close in; but, in that case, perhaps, they would suffer more in their hulls by having the guns nearer to the level of the water.
500. *By Mr. Sadleir*: Are there many inducements for an enemy to go to Newcastle—are there banks there? There are some banks there.
501. How many banks are there at Newcastle? There are three;—the Joint Stock Bank, the Bank of Australasia, and the Bank of New South Wales.
502. Do they keep much treasure there? I should think not.
503. There are three banks at Newcastle, but you do not think they keep much treasure there? I think not.
504. Is there not other property of value at Newcastle an enemy could raise contributions from if he went in? Yes. When I say there is not much treasure there, I do not mean to say there is not a considerable amount amongst the population, but not sufficient to ransom the town.
505. Do you think it would be an inducement for an enemy to go in there if he thought that by so doing he could cut off the trade and supplies of Sydney altogether? Well, we must suppose in that case an enemy to be more powerful than the people, and he could then do the same thing out at sea without going into this harbour at all.
506. There is a volunteer force at Newcastle? Yes.
507. And another at Maitland? Yes, I believe so.
508. Have you any idea what the forces muster there? I have not; but I do not think they muster above fifty or sixty in both places.
509. Are they forming a naval brigade at Newcastle? Yes, there is a naval brigade in course of formation. It is a good place for such a force, as there are so many there who can pull.
510. Do you not think that, if an enemy sent armed boats up the harbour, they could get up the river to Morpeth and do much injury to the shipping there? Armed boats would have much difficulty in getting up there.
511. In case he attempted to get up the harbour with armed boats, you would trust to your riflemen? Yes, and to flying artillery.
512. Have you any flying artillery there? Yes, and they are kept in constant practice.
513. Have you any guns? I have never seen more than one.
514. Do you not require a small park of flying artillery there? No doubt a few guns for flying artillery would do well, but they could not get to the banks of the river except in some places. The rifles are the best for the river.
515. In addition to having a fine park of flying artillery, you would recommend a battery on Nobby's? Yes, if the place is to be defended, I should think that as good a place as any for a battery.
516. And you think that battery would command the entrance of the harbour? Yes, inside and outside.
517. And command the harbour? Yes, and command the harbour too.
518. No ship could lie in this harbour to do mischief to the town if you had a battery there? The probability is, that if they got inside they would take the battery. It depends upon how it is held. From a battery on Nobby's you could fire up the harbour.
519. It would command the harbour as well as the entrance? Yes.
520. And you recommend another battery—would that command the river? It is at Scott's Point.
521. Would you recommend anything else to affect ships lying up the river, because that would not affect them at all? I fancy the naval brigade would have a gun-boat.
522. That would not do much good against a ship of war? They are very serviceable, and in some cases superior to batteries for purposes of defence.
523. Would you recommend a battery anywhere else to prevent an enemy's ships from lying secure high up the harbour to escape the fire of Nobby's and do as much mischief as they could from such a position? No doubt they would.
524. You think you could depend upon the rifles, the flying artillery, a naval brigade, and a battery on Nobby's? Yes, a battery with heavy guns; but it would be only of use for attacking ships.

Mr. D. T. Allan called in and examined:—

525. *By the Chairman*: You are the Portmaster of Newcastle? I am.
526. The chart before you is a correct chart of the harbour of Newcastle? Yes; it is a chart from my surveying, and I believe it to be pretty correct.
527. Have you ever thought of the question of defending the harbour against any attack by an enemy? No; I have never given it any consideration until the past month. I have carefully examined the positions where the most effective battery could be placed. I have had no practical knowledge of these matters, but have had many opportunities of visiting the fortifications at Cronstadt, where I frequently inspected several of those batteries while being constructed, having traded regularly to that port for ten years.
528. Are there any guns there at present? I may say there are none. There are only six guns, and those are not serviceable, being all honeycombed with rust. I should not like to fire one of them.
529. Where are they placed? On the top of the old Signal Hill, and they are buried in the sand.
530. Is that a good place for a battery? I think not.
531. Which do you suppose would be a better position? I would suggest Stoney Point.
532. Is that elevated at all above the sea? It is not more than twelve feet above the high water mark.
533. Does it command the channel? It would be the best place from which to rake a ship coming in there.
534. What is the width of the channel there? The average width is about 200 fathoms.
535. So that a ship, in attempting to run in, cannot be further than 200 fathoms from the guns placed on that point? She could not be farther off than that.
536. Is the channel rough at that point—would a ship in the channel be able to return an effective fire, or be prevented from doing so by her rolling in the sea? Sometimes the sea there is tolerably smooth, but the swell comes to this point sometimes, or a little above it.
537. Would that be a better position, do you think, than the top of Nobby's? Yes, decidedly.
538. Is there room for a battery on the top of Nobby's? Not without interfering with the light-house. There is a large space of ground outside the light-house, but a battery there would shake it down. A ship having entered could get close in, so that guns on Nobby's could not touch her.
539. Is it deep water inside of Nobby's? At one point it is dangerous, on account of the strong eddy, at ebb tide.
540. How near can a ship approach the town from the outside of Nobby's—could a vessel get behind the city? A vessel could get close in, but it is not safe navigation.
541. How near could ships approach with ordinary safety? Within about a mile and a half.
542. Not nearer? Not nearer.
543. Would this battery that you propose on Stoney Point have high ground behind it—between it and the sea? Yes, there would be the breakwater that was constructed across the old entrance to the harbour.
544. And this point is lower than the breakwater, which would completely shelter the battery from the fire of vessels outside? Yes.
545. It would in fact be almost a masked battery—a ship coming in would not see it until she came within 200 or 300 fathoms of it. She could not see it until she came into the channel.
546. Is there not a considerable body of volunteer artillery at Newcastle? Yes, there are at present.
547. Are there enough to man five or six guns? Yes. They have now only two guns—field-pieces.
548. What are they—6-pounders? 6-pounders, I believe.
549. Is it deep water in the channel above Newcastle, up the mouth of the Hunter? Not far above Newcastle.
550. How far? Opposite Bullock Island.
551. What distance is it from the old Flagstaff Hill to the Minmi dropship opposite to Bullock Island? About one mile and three quarters from Nobby's, or one mile from old Signal Hill. No enemy could ever get in there, because the channel could be easily obstructed.
552. A ship of any size could not run past or get beyond reach of the battery you propose at Stoney Point? No.
553. *By Captain Moriarty*: Have they not deepened the water alongside the wharf considerably? Yes.
554. Is there not a passage then for ships? Yes, but no enemy would attempt it, it is so contracted and intricate.
555. But is it not in the power of strangers to obtain a knowledge of these channels as well as ourselves? No doubt they would provide themselves with information before attempting such a thing.
556. *By Mr. Sadleir*: A vessel lying alongside the Minmi dropship would not be affected by a battery on Nobby's? No, but I should think the people must be asleep at Newcastle to allow a vessel to get up there.
557. You think a vessel could not get up there without your seeing her, and that is why you think it secure? Yes, and ships having to pass over shallow water (14 feet) before getting into that position.
558. You have rifle volunteers, and you have a naval brigade? The naval brigade is only now forming.

Mr.
D. T. Allan.

26 Aug., 1863.

- Mr. D. T. Allan. 559. Do you think a park of flying artillery would be of any use along the river, if armed boats were sent up there by an enemy? Yes, I think it would be very useful.
- 26 Aug., 1863. 560. Is there any inducement, such as valuable property, or treasure in bank, for an enemy's vessels to enter the harbour? They might come in for supplies for a fleet on the coast, so as to afford an opportunity of getting into Sydney. There are three banks at Newcastle, and I have no doubt there are considerable sums of money always there. There were 15,000 sovereigns exported from Newcastle a short time ago.
561. Do you keep much treasure there in the banks? Yes, I think so.
562. They could also levy on the whole of the townspeople? Yes; and there are many good ships to be cut out sometimes.
563. And it would be the means of cutting off supplies from Sydney? Yes.
564. And an enemy could destroy the shipping in harbour? Yes.
565. Have you any magazine there? There is one, but it is a very bad one.
566. You would not recommend any battery but the one you propose at Stoney Point? That is the one I recommend first. The next position I would recommend is near the base of Old Signal Hill, which would command part of the channel and anchorage.

1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROGRESS REPORT FROM THE SELECT COMMITTEE

ON

DARLING HARBOUR & BLACKWATTLE BAY ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
22 *April*, 1864.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1864.

[*Price*, 9d.]

647—A

1863-4.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 109. TUESDAY, 16 FEBRUARY, 1864.

5. Darling Harbour and Blackwattle Bay (*"Formal" Motion*):—Mr. Lucas 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 desirability of reclaiming or otherwise improving the head of Darling Harbour and Blackwattle Bay.
- (2.) That such Committee consist of Mr. Wilson, Mr. Stewart, Mr. Hart, Mr. Morrice, Mr. Sutherland, Mr. Dalgleish, Mr. Love, Mr. Smart, and the Mover.
- Question put and passed.
-

VOTES, No. 145. FRIDAY, 22 APRIL, 1864.

3. Darling Harbour and Blackwattle Bay:—Mr. Lucas, as Chairman, brought up a Progress Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee appointed on 16 February, 1864, to inquire into and report upon the desirability of reclaiming or otherwise improving the head of Darling Harbour and Blackwattle Bay.
- Ordered to be printed.
-

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1863-4.

DARLING HARBOUR AND BLACKWATTLE BAY.

PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 16th February last “*to inquire into and report upon the desirability of reclaiming or otherwise improving the head of Darling Harbour and Blackwattle Bay,—‘with power to send for persons and papers,’*”—have agreed to the following Progress Report :—

Your Committee have examined the Engineer-in-Chief for Harbours and Rivers* and the City Engineer,† whose evidence will be found appended hereto; and being precluded by the approaching close of the Session from prosecuting their inquiry, recommend that the subject be resumed early in the ensuing Session. Your Committee further recommend that, in the mean time, the Government should not grant permission to reclaim any portion of either Darling Harbour or Blackwattle Bay.

JOHN LUCAS,
Chairman.

*Legislative Assembly Chamber,
Sydney, 20 April, 1864.*

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 24 FEBRUARY 1864.

MEMBERS PRESENT:—

Mr. Lucas, | Mr. Sutherland,
 Mr. Love.

Mr. Lucas called to the Chair.
Resolution of the House (Votes 109, Entry 5), containing the appointment of the Committee—on the Table.
Committee deliberated.
Re-assembling of the Committee to be arranged by Chairman.
[Adjourned.]

FRIDAY, 4 MARCH, 1864.

In consequence of the adjournment of the House from a quarter before 8 o'clock A.M. this day, to Tuesday, the 8th instant, the meeting called for this day lapsed.

TUESDAY, 19 APRIL, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.
Mr. Hart, | Mr. Sutherland,
 Mr. Stewart.

Committee met, pursuant to summons.
Mr. Edward Orpen Moriarty, *Engineer-in-Chief for Harbours and Rivers*, called in and examined.
Map of Darling Harbour *produced* by witness.
Witness withdrew.
Mr. Edward Bell, *City Engineer*, called in and examined.
Two sketches of Darling Harbour and wharfage *produced*.
Witness withdrew.
Letter from G. W. Allen, dated 19 April, 1864, excusing himself from attendance, owing to prior engagements—*read*.
Committee deliberated, and considered heads of Report.
Chairman requested to prepare Draft Progress Report.
Re-assembling of the Committee to be arranged by Chairman.
[Adjourned.]

WEDNESDAY, 20 APRIL, 1864.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.
Mr. Sutherland, | Mr. Stewart.

Committee met, pursuant to summons, and deliberated.
Chairman submitted Draft Progress Report.
The same read and agreed to without amendment.
Motion made (*Mr. Stewart*) and *Question*,—That this be the Progress Report of the Committee—*agreed to*.
Chairman to report.

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1863-4.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

DARLING HARBOUR & BLACKWATTLE BAY.

TUESDAY, 19 APRIL, 1864.

Present:—

Mr. HART,
Mr. STEWART,Mr. LUCAS,
Mr. SUTHERLAND.

JOHN LUCAS, Esq., IN THE CHAIR.

Edward Orpen Moriarty, Esq., called in and examined:—

1. *By the Chairman*: You are the Engineer for Rivers and Harbours? I am.
2. This is a Committee that has been appointed by the Legislative Assembly, to inquire into and report upon the advisability of reclaiming or otherwise improving the head of Darling Harbour and Blackwattle Bay; and you being Engineer for Harbours and Rivers, we have summoned you, thinking you might assist the Committee with some valuable suggestions on the subject. Have you any plan of the head of Darling Harbour? Yes; I sent one up to the Committee this morning. (*Plan produced.*)
3. Have you any plan of the head of Blackwattle Bay? No, I have not one ready; I ordered one to be made, and it is now in course of preparation.
4. The Committee think it desirable to reclaim the head of Darling Harbour; some of the Members think it should be reclaimed as far as Liverpool-street, whilst others think that it should be filled in as far as Bathurst-street; and we thought that you would be able to furnish us, at some future day, with a plan or design shewing the two schemes; that is, the one for carrying it out to Liverpool-street, and the other for carrying it to Bathurst-street; with a rough estimate of the cost of the two propositions. I was shewing the Committee, when you entered the room, a plan of my own, by which I proposed to extend Liverpool-street, and to carry it right across to Pyrmont; and also to reclaim a further portion, as far as Bathurst-street, in such a way as that the water rights of persons having water frontages to the bay, between Liverpool and Bathurst Streets, shall not be interfered with. This I propose to effect by having a canal 50 feet wide at the foot of Bathurst-street, to be crossed by a draw or swing bridge, and communicating with a dock or basin 150 or 200 feet wide;—supposing the Committee to adopt this plan, and to recommend that the Government should carry it out, or that it should be handed over to the City Council to execute, do you think that we might very fairly give the city authorities the right of forming wharfs upon the water frontages that would thus be obtained? Yes, I should think so, at a first glance.
5. Perhaps you will be good enough to think over the matter during the parliamentary recess, and be prepared next session with a plan shewing the two proposals I have mentioned, together with any suggestions that may strike you as to the most desirable mode of reclaiming this land? I have already thought somewhat over this subject, but not sufficiently to enable me to determine, at the present moment, what will be the best mode of procedure. It is a question that will require very serious consideration.

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You will see by this plan that the head of this bay is very fast silting up. The different lines on this plan shew the low water marks in the years 1857, 1860, and 1862; so that the Committee will perceive by them that the encroachments on the head of the bay are going on very rapidly, and that it is most desirable to check it in some way. It occurred to me, that possibly the best plan would be to construct a stone dyke from the corner of Wilkinson Brothers' Saw-mills Wharf round the bay, to near the head of the bridge, and then to fill this in at the back in the same way that we have done in Woolloomooloo Bay. I do not think it would be desirable to take up too much of the water area of the bay, because every acre of water area you take away from the harbour, by so much diminishes the tidal flow into the harbour, and so takes from the water that flows out from the harbour through the channel at the Sow and Pigs. It diminishes, in fact, the scouring power that the outgoing tide has, in keeping open the Sow and Pigs channel, and increases the particular tendency that that channel has to silt up; on that account, and seeing that that channel has already silted up considerably of late, I have endeavoured, as far as possible, to curtail all encroachments upon the water area of the harbour.

6. We would wish you also to give us a rough estimate of the presumed cost of the two proposals I have named. We would wish you to know also, that there is now a dispute between the Government and the Harris family, relative to certain land—part of the Ultimo Estate—that was taken by the Government on certain conditions for the railway line; one of those conditions being, that the railway should be brought down through that property. Now, if this plan that I have suggested could be carried out, it might be the means of saving the Country a large sum of money that we should otherwise have to pay as compensation to the Harris family, as it would then enable the Government to bring the railway down to Darling Harbour, and to form a station at the head of navigation for the receipt or despatch of goods. I am informed that at this point, in a line with Bathurst-street, a depth of 50 feet could be obtained if a wharf were constructed there? Yes, you may obtain any depth you please by dredging, but I think it would be better to have as little encroachment upon the waters of the harbour as possible, for the reason I have mentioned, that it diminishes the outflow through the Sow and Pigs channel.

7. You propose to carry the work on by the line shewn on your plan? Yes, I think that would be quite far enough.

8. Would you obtain a sufficient depth of water there? Yes, by dredging. The silt obtained could be used for filling in at the back. We should want a very large quantity for that purpose, and it might be perhaps most readily obtained in this way.

9. *By Mr. Stewart:* How would you carry your roadway round? By a stone dyke or sea-wall made of rough stones.

10. Would it not be necessary to pile in front of it? No, I think not; we could do the same as we have done in Woolloomooloo Bay. What we have done there is to cart down rough stones and to tilt them in, leaving them to settle themselves, and then we have filled in at the back with sand.

11. But there is piling there? Yes, but only because the frontage is required for wharfage purposes, and the piling is necessary on account of the heavy weights that will be occasionally placed on it.

12. *By the Chairman:* That is what the Committee contemplated having here. We proposed to have the whole of the water frontage devoted to wharfs. We wish you to bear in mind that we have a dispute with the Harris family, and that, by reclaiming this land, the Government could carry out its agreement with that family, and so save a large sum of money, whilst they would at the same time secure a much larger amount of available water frontage? No doubt.

13. And at the same time we should obtain a large area of land for the extension of the city, that would more than cover the cost of the work? Yes, but the Committee must bear in mind that this will always be a sink of miasma and fever. The water of the bay will always be more or less impregnated with the sewage matter that flows out from the Hay-street sewer, and this will be a fruitful source for typhoid diseases. The sewage matter, being specifically lighter than salt water, floats in a kind of film on the top of the water, and gives out poisonous exhalations that will always be a fruitful cause of disease, especially over land lying so flat and low as this will do when reclaimed. So that a scheme for taking in this land for building purposes will be attended with very serious consequences, possibly, to the city at large.

14. But if there were pits constructed for the reception of the sewage matter, in which it could be deodorized and got into such a consolidation that it could be carted away and used as manure by market gardeners, this objection of yours would no longer exist? That would be one plan; but the best deodorizers of all are trees, since they absorb the carbon that is so deleterious to human beings. Thus if you laid out this area, when reclaimed, as a park, and planted it plentifully with trees, you would have the best deodorizers you could possibly get for your sewage matter, whilst you would secure a place of recreation for the public; and a public park or recreation ground is very much required in this part of the city. It would give you what is so very much wanted—another lung to the city, in the most necessary quarter.

15. *By Mr. Stewart:* You think that would be the best way of disposing of the land if it were reclaimed? I do; because I am convinced that if you have an extension of the city there, it will be nothing more than a nursery for typhoid and other epidemic diseases, as well from the low damp nature of the ground as from the poisonous exhalations from the sewage.

16. But having so much water frontage, do you not think it would be advisable to retain a portion of that frontage for wharfage purposes? Yes, certainly. In my plan I take the frontage up for wharfs, and convert the rest into a park.

17.

17. *By the Chairman*: And supposing you carry out the work by a sea wall, filled in at the back in the same way as has been done in Woolloomooloo Bay, do you think that will be the best as well as the cheapest plan? Yes, decidedly.

18. Then you would have 100 feet of the frontage reserved for wharfs, and would set out the rest of the reclaimed land as a plantation? Yes, that is precisely what I mean. By doing this you would have another lung for the city, instead of establishing a hotbed for the development of disease. Besides, it is much wanted in this part of the city, where there is no open space reserved for public purposes.

19. You know the large piece of ground that fronts Hay-street, and which is now the police paddock, and is near Terry Hughes' property? Yes, I do.

20. That has been reserved as a public recreation ground, and it is proposed to establish a plantation there? I believe so.

21. Will not that be sufficient for the southern portion of the city? Under any circumstances I do not think that this reclaimed land should be built upon.

22. *By Mr. Hart*: What would you say to a plan that proposed, instead of filling in as is now talked about, to dredge out and remove the silt that has accumulated, so as to restore the old high water mark? It would be a very costly work, and I do not see what object would be gained, except perhaps to restore the water frontages to those persons who have lost it by the silting up of the bay.

23. The cost of such a work would be much greater than the value of the work when completed? Yes. There would be a very great area to dredge out, as may be judged from these lines which mark the different low water lines in three different years. The line which comes round to the bottom of Liverpool-street shews an area of 21 acres, whilst the inner line even takes in an area of 12 acres. This will give the Committee an idea of the immense amount of dredging that will have to be done under such a plan.

24. So that all the present projections into deep water, beyond this line, are encroachments? Yes, I believe they are.

25. Do the Government permit parties to carry on these extensions? Yes, they do; but I do all I can to limit them to pile works which encroach as little as possible upon the waters of the bay. By running out pile jetties facilities are given for trade, whilst the water space so much required is not withdrawn from the harbour. We must allow persons having water frontages to utilize them as far as possible, and the best way of doing this is to let them run out jetties, on both sides of which vessels can lie, and thus economize the wharfage space. It is with this view that I have marked down on this plan a line up to which the various extensions into the bay may be allowed.

26. So as to have one uniform line? Yes.

27. Would it not be desirable, in your opinion, if a work of this kind were carried out,—to construct a public street in one continuous line, round from the head of the bay to its commencement at Miller's Point? I think it would be one of the best things that could be done. In fact, this is what is being done in all the seaport towns of England; they are there adopting the principle of making one uniform line of wharf round the harbourage.

28. None of the owners of property having frontages to Darling Harbour have a right to their wharfs in fee simple, but have, I believe, only a right of extension? That is all.

29. Thus an admirable opportunity presents itself for considering this question, seeing that as yet no vested interests have grown up? There will be very few obstacles to such a work at the present time; certainly none can arise from the grants that have been recently made, as they have been very carefully worded.

30. *By Mr. Sutherland*: Would it not be possible to allow those parties who have water frontages, to run out piled jetties, in such a way that a public wharf might be constructed in the rear of them, so that at some future time a branch tramway or railroad might be laid down from the present line to Pyrmont, to the end of Miller's Point? Yes, nothing would be easier than to construct such a line; it is a dead level the whole way.

31. Would it not be a benefit to the public generally, as well as to individuals having property on the line, if such a line were carried out? That is a matter that would admit of some arguments. No doubt it would be a benefit to the public, but when you come to consider individual cases: All these people wish to preserve to themselves as much of the water frontage as they can; and that is the reason why you see them running out jetties in such a way as to form a species of dock, as by this means they obtain additional wharfage accommodation.

32. I do not propose to interfere with the private claims to wharfage—let them have their jetties, but let these be outside a certain line that will be laid down for a public quay or street, so as to allow of the public having free intercourse with the water? I think that such a quay or street would be a very good thing to have; but if once you lay down a line of wharfage I would not allow persons to go outside of this line, because, if they do, they will seriously contract the space devoted to navigation.

33. I have long been of opinion that this is one branch along which the railway must run before long, so as to take up the produce sent from or received by the stores on the wharfage property at the side of the bay; I believe this is the case in England, and that all the railways coming into seaport towns have branches running down to deep water? I do not know any that do not run down to deep water; in fact, they must do so to be of any use.

34. *By the Chairman*: But if you reclaim as far as Bathurst-street you will at once have a good depth? Yes, a depth of 13 feet.

35. And there would be no difficulty in the way of getting 20 feet? No; by dredging you may get what depth you please.

36. *By Mr. Sutherland*: Suppose you carried your sea-wall round with a sweep from Pyrmont to the foot of Bathurst-street, do you think you would then be able, by continuing the wharf

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wharf round, to take a branch rail or tramway to Miller's Point? No doubt it could be very easily done; but it would take a great deal of money to buy out all those who have water frontages on that side of the harbour.

37. It would not be necessary to buy them out, but merely to insist upon having a public right of road, say of 100 feet wide, along which the traffic of the train could be carried? Yes; but you must remember that there are very large interests involved in this line of water frontage. There are the Steam Companies with their extensive wharfs and jetties, and there is the Gas Company with its large works. These alone, without considering the private owners, form a vast interest that even the Government would find it very difficult to deal with in a way that they did not like. There would be no alternative but to buy them out, and I need not say that this would take a very large sum to do.

38. Between this and the next meeting of the Committee, which will not be till next Session of Parliament, will you consider the question of the propriety of laying out a line of quay in the way I have described, so that at some future time a railway may be brought round from the Pymont terminus to Miller's Point; and at the same time give the Committee a rough idea of what the cost will be? That will take an immense amount of time and labour.

39. I do not mean that you should enter into details, but that you should merely, after looking at the place, make a rough estimate, just ascertaining what rights these people have that require to be bought out, and what it would cost to buy them out? I would do this with pleasure if it were possible; but to ascertain what you require, I should have to go into the title of each man's property to see what rights he had.

40. *By the Chairman*: If you confine your attention to the engineering points, they will be sufficient; but I would direct your notice chiefly to the idea I have thrown out of reclaiming the head of the bay as far as Bathurst-street, with a canal across that street leading to a dock for those persons having wharfage rights between that street and Liverpool-street, and also with liberty to the Corporation to build a wharf on the opposite side. By this plan you will perceive that we can, if we desire it, bring the railway down to a point where there will be 20 feet of water? Yes, I am aware that there is a scheme for bringing a branch of the railway from the present Pymont extension down to deep water.

41. If this plan is adopted it will not interfere with any of the existing water rights, and we shall consequently not have to carry out any of them. We know as a fact, that Mr. Russell not long ago gave £5,000 for his water frontage, and that since then he has expended from £5,000 to £6,000 upon it. There are many others in the same position, and by carrying out the plan I suggest, none of these will be interfered with, and the Government will not be called upon to give compensation; whilst the railway could be brought down to deep water at the foot of Bathurst-street, and the Corporation would have what they so much require—an extensive wharf, for landing lime, wood, and other produce arriving by water? I will give the plan my attention.

42. *By Mr. Sutherland*: Without reference at all to the wharfage for the city, I would wish you to consider the question of the advisability of running a branch line from the railway terminus at Pymont round to Miller's Point? There is no difficulty in doing this except the one I have mentioned, of the great interests that would be invaded. If you run a branch line round in that way, even if you gave these persons a right to make wharfs, they would not be able to get on to them.

43. With a tramway like that in Pitt-street there would be no difficulty? They would not have that free access which they think necessary. In my opinion the terminus of the railway should be at the foot of Liverpool-street, which is to all intents the heart of the city.

44. There, or anywhere else that may be found to be feasible. The main point with the Committee is, to gain a deep water frontage for the railway to come down to? I will consider over the matter in the mean time, with a view to that object.

Edward Bell, Esq., C.E., called in and examined:—

E. Bell, Esq.,
C.E.

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45. *By the Chairman*: You are City Engineer and Surveyor.
46. This Committee has been appointed for the purpose of inquiring into and reporting upon the desirability of reclaiming or otherwise improving the head of Darling Harbour and Blackwattle Bay; and we thought that you, from your position, would be likely to be able to give us some idea of what is best to be done in the matter. Have you any plan of the head of Darling Harbour? Yes, I have prepared sketches from which the Committee will be able to gain an idea of what, in my opinion, may be done with the head of Darling Harbour. I may mention, however, that these plans are only just a first idea, and that they have not been matured, nor are they sufficiently developed to be acted upon. I produce two of these plans. The first shews the reclamation of the head of Darling Harbour as far north as Liverpool-street; and the other shews a proposition for carrying the reclamation as far north as Bathurst-street.

47. We will take the first of these—the plan for reclaiming to Liverpool-street;—how much land will be reclaimed by carrying Liverpool-street across to Pymont? About 25 acres.

48. Have you taken the depth of water you will obtain on that line? I have.

49. And what depth could you get by dredging at the foot of Liverpool-street? About 18 or 20 feet at high water.

50. I see a red line on this plan—what is that intended to mark? It shews a proposed circular wharf, by the side of which will run an extension of the railway as far as Messrs. Barker's property. The pencil line shews the idea of a strait wharf running across, which will have deeper water for vessels, and will allow of equally good access by vessels to the wharfs lying between Bathurst and Liverpool Streets. We should not interfere with any

of

of these wharfs, and the communication would be left completely open to those who live adjoining the wharf, the proposed road running north and south between the railway and the water. This plan shews land belonging to Messrs. Dickson and others, north of Liverpool-street, and how that land has been subdivided by its owners into streets—Mill-street, Factory-street, and others; and how the proposed streets, set out in my plan over the reclaimed land, are intended to work in with them. It shews also a line of street from Allen-street, Pymont, starting at the north from a point contiguous to the Pymont Bridge, and running north and south to the head of Darling Harbour, and forming a convenient approach to the railway station at Redfern, from the head of the bay. It shews also two other streets, 66 feet wide, running north and south, and other streets running transversely to them.

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51. You propose then to cover this reclaimed land with buildings? Yes; to let it out in convenient sized allotments on building leases, so as to obtain a rental from which to defray the expense of making the improvements.

52. And is the land required for roadways of the streets included in the 25 acres? Yes; 25 acres form the total area, including the roads as well as the land available for lease. The other plan shews in every respect a similar plan to the first as far north as Liverpool-street, with an extension of the reclamation to Bathurst-street, and an extension of Bathurst-street to Figtree-street, Pymont; and the formation of a wharf or dock, to be approached by a canal, crossing the extension of Bathurst-street, that street being carried over it by a swing bridge. This would provide access to the different wharfs between Liverpool and Bathurst Streets, and would afford excellent accommodation for a railway wharf and jetty. It would also give a circular wharf north of the proposed extension of Bathurst-street, and also a portion of water frontage on the proposed dock between Liverpool and Bathurst Streets, which could be appropriated as a Corporation wharf. The wavy line shews the proposed branch line of railway, and the dotted line shews the extension of the Hay-street sewer.

53. There has been a suggestion made by Mr. Sutherland that, by having a siding, an extension of the present railway to Pymont should be brought down to the foot of Bathurst-street;—would that, in your opinion, be a feasible plan? I would propose something of this kind: To have a swing-bridge at the foot of Bathurst-street, at Bathurst-street, crossing a canal to lead into a dock extending from Bathurst-street to Liverpool-street, so as not to interfere with the present water frontages there. From Bathurst-street I would run a wharf straight across to the Pymont side of the bay, but you, I see, propose to have a circular wharf? Yes, I propose a circular wharf, as being more convenient; it would give a better sweep round for the curve of the railway.

54. And what is the width of the dock? 300 feet wide.

55. Our object in asking you to attend to-day was to give you some idea of the views of the Committee, so that you might be enabled to frame some plan in accordance with those views by the next Session of Parliament. The Committee will not be able to proceed any further with their labours this Session, but by stating their object now, they will enable you to be prepared to give conclusive evidence by the next meeting of Parliament, when the Committee will be again appointed. If we waited for that time it would have taken you too long to prepare the necessary information, and so have delayed the business of the Committee. If you will favour the Committee by preparing, against next Session, two plans, shewing the proposed reclamations to Liverpool-street in the one case and Bathurst-street in the other, shewing the different water frontages that will be obtained in either case, and also the depth of water, together with an estimate of the cost of reclaiming the land on each plan —? I shall be happy to do so.

56. We wish you to take everything into account—the cost of making the roads, of carrying out the Hay-street sewer to deep water, and of reclaiming the land; shewing the quantity of land reclaimed and the amount that will be serviceable for letting out on building lease, after you have taken off what is necessary for wharfs and streets? I will take care and provide such an estimate by next session.

57. We have had the Engineer for Rivers and Harbours (Mr. Moriarty) as a witness before us, and he has suggested that this land, if reclaimed, would be low and unhealthy, and that it would not be advisable to cover it with houses. He proposes in the place of that, to plant it with trees and to make it a public recreation ground—what do you think of that suggestion? I think it would be much more useful let on building leases and covered with houses, than being kept as a recreation ground; because on my plan it would be a source of revenue, whilst on the other it would be nothing but a continued expense. Besides, if you are to have public recreation grounds, let them be in places that are high and dry, and not in those that are low and swampy like this.

58. *By Mr. Stewart:* If the Government were to hand over to the City the right of reclaiming this ground, upon a certain fixed plan, do you think it would be worth their while to do it? I think it would, and have always thought so. I have always been quite certain of this: that it could be done by the city authorities much cheaper than by the Government, or than by any other body of persons. And if it were handed over to the City, it would eventually be the means, by the revenue to be derived from letting the land on lease, of relieving the City from a great deal of the taxation that is now cast upon the citizens. I have all along advocated the principle, that the City ought to have something in the shape of land, from which to derive a revenue.

59. Would a wharf made here, as you propose, be a suitable place for landing market produce? No doubt it would.

60. Would it not be a good central position for the purpose? It would be a good centre for the supply of Pymont; but as regards Sydney, it would not be so convenient as the Market Wharf.

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61. *By the Chairman*: But would it not be a good central position for the Sydney suburbs, such as the Glebe, Newtown, Camperdown, and other places? Yes, it would; but beyond that, it would have the great advantage of tying Pyrmont (which is now isolated from them) to the other parts of the city.
62. *By Mr. Stewart*: Considering too that it is so near to the Haymarket, would it not be a convenient position for supplying that market by water? Yes, and would also be a convenient place for receiving produce coming down by the railway, that required to be shipped.
63. I believe that there is now a great deficiency of accommodation for small boats bringing produce into Sydney? There is.
64. And additional accommodation for this class of vessel would be a great advantage? Yes, and more particularly for the supply of the Haymarket.
65. Then if this land were handed over to the City to reclaim, on condition that a certain amount of wharfage frontage should be reserved for the use of produce boats, would it suit their purpose to undertake the work? It would; under any circumstances I think a sufficient portion of the dock frontage should be reserved for the use of produce boats for the supply of the city. We could thus obtain a double advantage; for the boat that brought hay or anything else to be sent to market or forwarded up country by rail, could take away other produce that had been sent down country by rail.
66. You said, I think, that the City could reclaim this land more economically than the Government? Yes, I think so.
67. Why? Because all our spare earth and rubbish could be thrown in to fill it up.
68. Material that would cost the city nothing? No.
69. And all of which costs the Government — ? 1s. and 2d. a load I believe.
70. So that in that way you consider it can be more economically done by the city authorities than by the Government? Yes, much more so.
71. *By Mr. Sutherland*: Will you give the Committee the number of yards of earth that the City have to dispose of annually? The quantity in cubic yards is ——— and this is exclusive of the manure which we sell.
72. I wish to ask you whether you have ever considered the question of the propriety of continuing the present railway by a branch line round Darling Harbour. This pencil line in the plan laid before the Committee by Mr. Moriarty, is that to which the Government will allow individuals to reclaim to. Supposing that line to be fixed upon, do you think that the Government ought to reserve a right of road along this line round Darling Harbour, so that eventually we may be able to take a railway or tramroad right round to Miller's Point, by the line of this wharf? I have considered it; and though it would be an excellent work, yet on account of the vast interests that are involved, I am persuaded that it would be a very expensive thing to do, as the compensation you would have to give would be very heavy.
73. Would not the benefit to the public be very great by having a right of way for a road or railway all round the harbour? I think so—very great; it would be a very great advantage if we could get a public quay or wharf all round the harbour.
74. So that eventually we might have a railway or tramway running along it, and that private stores on the line might be able to send off by rail direct, merchandise that had been received from the shipping, or might be able to ship off direct produce received from the country by rail? Yes, that would be a very great advantage.
75. By making a railway to run into the interior of the country, is it not necessary, in order to make its line of traffic complete, that it should be carried to some point round the harbour at which there is deep water? Yes, I think so.
76. Will you point out on this plan what right of access the public have to the waters of the harbour between Miller's Point and Margaret-street? At the present time Clyde-street is the only approach.
77. Is there an approach to the water at that street? Yes, but it is very abrupt.
78. Is it not over a precipice of rock at least 30 feet high? Yes.
79. Can the public approach the water at that point in such a way as to make the access available? Well, not very well.
80. Is there any other approach? Yes, there is another at Pottinger-street; and this is a matter to which I should particularly like to draw attention. This street, as originally laid down in the plan of the Government Surveyor, has been marked out as running partly through the water of the harbour; it is just at Miller's Point, and the Corporation have already partly filled it in, in accordance with the plan. I think it would be very advisable that the City should get permission to erect a jetty at the foot of this street, as it would be a most convenient place for landing, especially for steam-boat passengers.
81. There is a road there? Yes, the road as shewn in the map is laid out through the water. The City has made that road; and I think that we may fairly claim the right of making a jetty there in preference to any other persons.
82. Are you aware whether the Government has given the right of water frontage on this street to any person? I believe they have not.
83. Then from Pottinger-street to Margaret-street the public have no access to the waters of the harbour? No, no available access. At one time we had Wentworth and Unwin Streets coming down to the water, but that has now been closed by the erection of Mr. Cuthbert's ship-yard, which comes right across them.
84. *By Mr. Stewart*: Did the city authorities do nothing to prevent this? They objected to it; they sent in a letter to the Government, formally protesting against it.
85. And what was done? The protest was not so much as noticed.
86. *By Mr. Sutherland*: Will you state what distance it is from Pottinger-street to Margaret-street, so as to shew to what extent the public are shut out from access to the water? Very nearly a mile—1,700 yards by the shore line.
- 87.

87. Have you taken into consideration the necessity that exists for reserving a portion of the proposed reclamation, for the purpose of deodorizing the refuse matter from the sewers? Yes, I have had that matter under most careful consideration. E. BeM, Esq.,
C.E.

88. Will you be able to shew the Committee, when you are next called upon to give evidence, what portion of land you require on the railway line, where that line and the sewer intersect each other, for the purpose of forming silt pits for deodorizing the sewage matter? I shall. At present my idea is to form the pits south of the extension of Hay-street. We shall not be able to make use of the whole matter, for you cannot deodorize the flood-water that during three or four months of the year comes down the sewer, but during eight months of the year we shall be able to deal with the whole of the sewage. The spot at which I propose to place the pits is south of Hay-street and to the westward of Mr. Smart's mill. They will thus be close to the railway line, so that the sewage matter can be easily sent up into the interior by rail when deodorized, to be used as manure. 19 April, 1864.

89. So that the sewage matter would inflict no injury upon the wharfage frontages, and we might, without any inconvenience or nuisance from the sewage, have a railway terminus at the foot of Bathurst-street? Yes, close to the present foot of Bathurst-street, to which access could be had by means of a swing-bridge. I propose the circular wharf marked on my plan, to come round to this point, as it would thus form a very convenient landing place for wood and such like heavy produce. It would also be an excellent point for the steamers to come up to.

90. Will there be deep water there? Yes, sufficiently deep for any of the vessels trading in our harbour to come alongside.

91. *By Mr. Stewart:* I understood you to say that two streets had been stopped up, in consequence of a right of extension given by the Government to a private individual? Yes.

92. Did the Corporation object to their being stopped up? Yes. When the intention of the Government to grant the frontages of these two streets to Mr. Cuthbert was advertised in the *Government Gazette*, the matter was brought under the notice of the city authorities, and the Corporation wrote to the Government, objecting to this infringement of the rights of the public. Their objection, however, was overruled, or at least I imagine that it was so, since permission was given to Mr. Cuthbert to extend his wharf out upon the line of these two streets. Thus the Government gave to an individual the right of water frontage that most undoubtedly belonged to the Corporation.

93. Had the Corporation the right to this water frontage previously to the permission to extend being given to Mr. Cuthbert? Yes, by the original plan of this street it was shewn to run right down to the water.

94. Was the Corporation called upon by the Government to make good its objection? No. In the first instance Mr. Cuthbert put up a shed across the foot of Wentworth-street, and that was objected to by the Corporation prior to any application to the Government having been made by him. It was, no doubt, this objection that led to his application to the Government.

95. And the result is, that these streets are now entirely shut out from the water? Yes, the access to the water is entirely closed to the public.

96. *By Mr. Sutherland:* With reference to this granting the right of extension to private individuals—do you think it right that an unreserved authority should be given by the Government to private individuals to carry out wharfs and jetties into the harbour; or should there be in every such authorization a reservation of a public road round the whole of the water frontage, and a plan or chart shewing the line upon which these extensions should be carried out;—I allude now more particularly to the water frontages on the Blackwattle Swamp, as an attempt is now being made to obtain a number of these rights of extension, which, if acceded to, will very materially encroach upon the rights of the public? In all cases where persons have not, prior to asking for extensions, established wharfs on the water side, the Government, in granting rights of extension, ought to reserve a quay or jetty for public use, so that the public may have the use of the extensions as well as the individuals to whom the right is given.

97. *By the Chairman:* Do you know anything of Blackwattle Bay? No, that is beyond the city boundary.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

IMMIGRATION OF DISTRESSED LANCASHIRE]
OPERATIVES.
(CORRESPONDENCE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 4 September, 1863.

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IMMIGRATION OF DISTRESSED LANCASHIRE OPERATIVES.

No. 1.

PETITION FROM CERTAIN MERCHANTS AND OTHERS, OF WEST MAITLAND.

Unto His Excellency Sir John Young, Baronet, Governor-in-Chief of the Colony of New South Wales, and the Executive Council.

The Petition of the undersigned Merchants and others, of West Maitland,—

HUMBLY SHEWETH :—

That at a public meeting, called by advertisement, of the inhabitants of West Maitland and neighbourhood, held in the School of Arts, on Wednesday, the 30th July last, for the purpose of considering the propriety of collecting subscriptions, to supplement the fund now raising in England and elsewhere, in aid of those in Lancashire suffering privations and hardships from want of employment, the following resolution, amongst others, was unanimously adopted,—“That a petition to the proper quarter be prepared, praying that a sum of £10,000 be placed upon the Estimates, to pay the passages of such of the distressed operatives as may be willing to emigrate to New South Wales, and that E. C. Weekes, Esq., be requested to present it.”

May it therefore please your Excellency and Executive Council to take this matter into your favourable consideration, and cause to be placed upon the Estimates the sum of £10,000 for the purpose mentioned in the foregoing resolution.

And your Petitioners will ever pray, &c.

JAMES R. THACKERAY,
Chairman of the Meeting,
ALFRED DOYLE,
BENJAMIN LEE, JUNR.,
And six other signatures.

No. 2.

G. G. BRODIE, Esq., to PRIVATE SECRETARY.

Murrurundi, 27 August, 1862.

SIR,

I am desired by certain inhabitants of this District to forward the enclosed Petition for the consideration of His Excellency the Governor-in-Chief.

I have, &c.

G. G. BRODIE.

[Enclosure.]

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 St. Michael and St. George, Captain General and Governor-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.

The Memorial of the undersigned inhabitants of the District of Murrurundi,—

RESPECTFULLY SHEWETH :—

That your Memorialists, while deeply sympathizing with those persons in the manufacturing districts of England who are at present suffering extreme distress, in consequence of the withdrawal of their ordinary means of employment, and cordially concurring in the efforts now made throughout this Colony to alleviate their sufferings by means of immediate pecuniary assistance, are of opinion, that more permanent relief might be afforded to them by the promotion of the free immigration to this Colony, of such of their number as would be willing to leave the scene of their present distress.

Your Memorialists, therefore, respectfully pray that Your Excellency may be pleased to direct that such a sum of money, as to Your Excellency may seem advisable, be placed upon the Estimates, now under the consideration of the Honorable the Legislative Assembly, for the purpose of promoting the free immigration to this Colony of a number of the distressed Lancashire operatives.

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

PHILIP W. WRIGHT, J.P.,
Chairman,
FREDK. WHITE, J.P.,
G. G. BRODIE,
And eight other signatures.

No.

No. 3.

SECRETARY TO COLONIAL EMIGRATION SOCIETY, BIRMINGHAM, to COLONIAL SECRETARY.

*Colonial Emigration Society,
Queen Chambers, Cherry-street,
Birmingham, 15 December, 1862.*

SIR,

By the September mail I had the honor of addressing you on the subject of the formation of this society, and by this mail I beg to hand you a report of an inaugural meeting held in our Town Hall, on the 25th ultimo, presided over by our member, Mr. Scholefield, at which many late and present leading members of the Colonial Governments were present.

Since that meeting arrangements have been made for the amalgamation of the National Female Emigration Society, Charing Cross, London, with this society, and for our head quarters to be made in London on and after the 1st proximo, the amalgamated societies retaining the designation of the National Colonial Emigration Society. The progress made by this society since its formation, and especially since the inaugural meeting last month, has been of such an encouraging character that our Committee have determined to spare no exertion in endeavouring to make it one of the most popular institutions of the present day. The numerous expressions of sympathy, and the liberal promises of pecuniary support they have received from influential public men, together with the many applications which have been made by persons in all parts of the Kingdom, desirous of emigrating, is ample evidence that the national mind is gradually awakening to the necessity of something being done for *directing* and *assisting* emigration to British Colonies.

There is, however, a strong feeling of prejudice still existing in the minds of the landed, manufacturing, and commercial interests of the country, against emigration, on the grounds which will be too apparent to you to render it necessary for me to explain; and therefore the Committee feel that, in order to bring about a more enlightened feeling in the public mind, they must, for the present, to a great extent, rely upon the support and co-operation of the Colonial Governments and the colonists themselves. The noble offer made to this society by Mr. W. F. Splatt (announced in the papers sent herewith), in furtherance of the cause of emigration, will doubtless induce many others at Home, and in the Colonies, to come forward and supplement it, so as to enable the required amount to be raised.

My Committee also think that some arrangements might be made by which the issue of nomination tickets or passage warrants, to a limited extent, might be placed at the disposal of this society, numerous applications being made to me by persons having friends in the Colonies, but who are unable to communicate with them, or unwilling to remit money to them under the uncertainty of its proper application. If your Government could make arrangements by which this society could make remittances to some authorized officer, on behalf of candidates for passages, our object would be greatly facilitated, and many deserving persons enabled to reach the Colony of their choice.

I am directed to call your attention to a plan put forth by this society, for enabling working men to raise an emigration fund amongst themselves, and which, we believe, will tend to the best results, in helping those who help themselves, and who indicate thereby that they are careful, industrious, thrifty, and deserving men.

Wide spread distress exists throughout the spinning and weaving districts of England and Scotland. I am desirous to enclose you a petition just received from Paisley, and earnestly to solicit the attention of your Government to its prayer, on which the lives of thousands may depend.

At a crowded meeting this week at Coventry, a similar petition was adopted, which I hope to have in time to forward with this. We are using every means here to stir the public mind on the subject, but without the aid of the Colonies we shall be utterly unable to carry it out on a scale adequate to the pressing need of the occasion.

I have the pleasure to enclose a rough draft of our organization, necessarily incomplete, as the rules of the ladies committee (a most important branch of our undertaking) have to be submitted to the joint boards before they can be printed. This will shew you our progress, and by the next mail I shall have the pleasure of handing you our prospects in a finished form, with such a list of subscribers as must command national support.

I shall feel greatly obliged by your giving this communication your earliest attention, and beg your taking such steps as you may deem wise for enlisting public sympathy on behalf of the suffering thousands desirous of emigrating to the British Colonies.

I have, &c.,
ALEX. FORREST,
Hon. Sec.

[Enclosure.]

4 IMMIGRATION OF DISTRESSED LANCASHIRE OPERATIVES.

[Enclosure.]

Emigration and Colonization.

At a numerous attended meeting of unemployed Weavers, and others, held in the Unitarian Chapel, George-street, Paisley, to take into consideration the propriety of applying to the public for assistance to emigrate, the following Petition was unanimously adopted, viz. :—

UNTO our countrymen in England and Scotland, the Colonial Emigration Society, and the Colonial Governments of Canada, Nova Scotia, New Brunswick, New South Wales, Victoria, South Australia, Queensland, Tasmania, New Zealand, the Cape of Good Hope, and Natal,—

The Petition of the undersigned Weavers, Dyers, and others, resident in the town and neighbourhood,—

HUMBLY SHEWETH :—

That owing to the present depressed state of trade, whatever may be the cause, several hundred weavers in Paisley and its neighbourhood, have been unemployed for months past; and your Petitioners see no prospect of any permanent improvement or of work being obtained unless of a transient and inferior kind, and at greatly reduced wages.

Your Petitioners do not wish to sink into pauperism, or become dependent on the charity of their fellow-men. They deserve to live by their labour; and, therefore, seeing not merely the present depression of trade, but that hand-loom weaving has been declining more and more for years past, and looks as if it would ere long be altogether superseded by steam-power, jacquard machines, and other inventions, they contemplate emigration, and are willing to go to Canada, British Columbia, Australia, New Zealand, or other British Colony, suitable in point of climate, &c., to which they may be assisted, or it may be most expedient and desirable for them to go.

Many of your Petitioners have applied to the Emigration Commissioners, and selecting agents appointed by the different Colonies, for passages, but they have been uniformly told that only female domestic servants, and married ploughmen, and agricultural labourers are "eligible" for any of our Australasian Colonies, viz., New South Wales, South Australia, Victoria, Queensland, and New Zealand; and the Commissioners expressly state in their printed regulations that it is no part of their duty to give passages, defrayed from Colonial funds, *in order to relieve persons in distress, or who cannot find employment in this country.* And as to the British North American Colonies, Canada, &c., the system of free passages, defrayed from the Colonial land funds, has never yet been adopted nor in force.

Your Petitioners have memorialized the Government of Her Majesty for aid from the national funds, but owing to the House of Commons not having authorized any special grant of the public funds for affording passages to emigrants, and being advised that it is very unlikely that any grant will be made by the Imperial Parliament for such a purpose, they have no other recourse left open to them but to appeal to your society, the people of England and Scotland, and the Colonial Governments, to aid them in their earnest efforts to depart to Colonies where the services of honest and industrious men are wanted and appreciated.

Your Petitioners, not having themselves the means to emigrate, therefore naturally look to your excellent society, and to their countrymen at Home and in our Colonies, and to the Colonial Governments, for assistance.

They believe that, in the circumstances, they have a strong moral claim to encouragement and support; and that it would be not merely humane, but wise and enlightened policy in their countrymen and the Colonial Governments, to assist all persons in the same situation as themselves, who are willing to go and reclaim, and cultivate, by their own labour, our waste or unoccupied lands, and make them yield food convenient for man, as the Great Creator intended when He gave the command to subdue the earth and replenish it, instead of those lands remaining barren and useless, as at present.

In former instances public aid and Government grants have assisted unemployed working men to emigrate. After the war—in 1817, and 1819, and 1824—large bodies of weavers in Lancashire and Renfrewshire were enabled to go to Canada, where they founded the townships of Bathurst, Lanark, and Renfrew, which soon became thriving settlements. In 1827 a grant of £50,000 was made, by which 4,000 or 5,000 unemployed and destitute English and Scottish weavers, and others, went to South Africa, and founded Albany, which, whatever disasters may have retarded its progress at first, subsequently became a flourishing Colony. In 1829 another grant of £50,000 was made, and Glen Lynden, also in South Africa, was settled. Those grants were in pursuance of the report of a Committee of the House of Commons, who recommended them, not merely because they would afford immediate relief, but would lead ultimately to the independence of the emigrants—benefit those who remained by the abstraction of redundant labour—convert producers into consumers—and thereby create a new market for British goods—views or predictions which have been fully verified by the results, not only in these but in all other cases of emigration and colonization which have since taken place, especially during the last twenty-five years. In 1842 a body of unemployed Paisley weavers obtained passages to Auckland, New Zealand; and in 1852, another body to Sydney, New South Wales, both being periods of manufacturing distress, and in both instances through the intervention of Government; and the result, in all these cases, has fully established that weavers are not necessarily unfit, as has been alleged, for Colonial work; but, on the contrary, make ingenious, industrious, persevering, and successful settlers, whether in the bush of Australia or in the forests of Canada or New Zealand.

Again, in 1862, after the lapse of other ten years, Paisley is visited with manufacturing distress; and your Petitioners, in common with many others, are out of work, and they, and their wives and families, suffering privation and distress. They look to emigration as a means of relief, and they wish to go forth as a body of colonists, under proper guidance and supervision, to plant, in co-operation with capitalists, and all others who will join them, a new colony or township in Australia, Canada, British Columbia, or New Zealand, where they may live by their labour, and enjoy the protection of British law, as loyal subjects of Her Majesty, just as their countrymen did in the cases referred to, and as the body of non-conformists who lately sailed to found the settlement of Albertland, in New Zealand, have done.

But without assistance your Petitioners can do nothing. They therefore appeal to your society to lend them a helping hand; and if the public at Home, and the Colonial Governments, have only the will to help, there can be no want of ability or power to command the necessary aid.

If, by public aid, new counties and townships have been planted by weavers, in times when steamers, railways, telegraphs—those powerful instruments in colonization, as well as in war—were unknown, how infinitely more easy can the same thing be done now, when these and other modern appliances and combinations may be brought into use, and emigration and system of location of settlers are under improved regulations?—all serving to facilitate the work, and ensure success to those who engage in it.

Your Petitioners, accordingly, humbly pray that your society will take such steps as may be necessary for invoking the aid of our countrymen at Home and in the Colonies, and obtaining the support and assistance of the Colonial Governments, to enable them to realize the prayer of their Petition, in providing them with the means and facilities for emigrating to the British Colonies aforesaid.

And your Petitioners will ever pray.

No. 4.

UNDER SECRETARY FOR LANDS to G. G. BRODIE, Esq., MURRURUNDI.

*Department of Lands,
Sydney, 2 February, 1863.*

SIR,

With reference to the Petition forwarded by you to the Government, from certain residents at Murrurundi, respecting the introduction here of such of the distressed Lancashire operatives as may be willing to emigrate, I am directed by the Secretary for Lands to inform you, that there will be no objection to their being brought out here under the Regulations for Assisted Immigration, on the payment of the usual amount, in part of passage expenditure.

I have, &c.,
MICL. FITZPATRICK.

No. 5.

SECRETARY TO NATIONAL COLONIAL EMIGRATION SOCIETY, LONDON, to COLONIAL SECRETARY.

*44, Charing Cross, London,
19 February, 1863.*

SIR,

Annexed I beg to hand you prospectus of our Amalgamated Societies, and I will advise you of our further proceedings by the next mail. In the meantime permit me to urge that the collections now being made in your Colony on behalf of the Lancashire distress, should be applied, as far as possible, towards the immigration of distressed artisans, and their families, from the various districts.

I would further submit, that your Government should extend to this Society the privilege of nominating, to a limited extent, and under such instructions you may deem necessary, persons residing in this country, who can pay the amounts now required for colonist's nominations.

The passage warrants might be issued to this Society by your Colonial Agent (Mr. Hamilton), on payment of the required amounts.

I am, &c.,
J. BATE.

[Enclosure.]

THE NATIONAL COLONIAL EMIGRATION SOCIETY.

ESTABLISHED BY THE AID OF VOLUNTARY CONTRIBUTIONS.

Central Office, 44, Charing Cross, London.

THE above Society has been formed by the amalgamation of the National Female Emigration Society, London, with The Colonial Emigration Society, Birmingham, with a view (whilst reserving the right of contributors to appropriate their funds towards emigration of single females) to combine the strength of the two Societies, for the purpose of carrying out, more effectually, the objects common to both.

OBJECTS OF THE SOCIETY.

- 1.—To disseminate information on the subject of emigration.
- 2.—To afford advice to intending emigrants.
- 3.—To facilitate arrangements for the passage of emigrants to the Colonies.
- 4.—To make advance to emigrants by loan, or otherwise (whenever the funds of the Society shall permit), towards their outfit and passage.
- 5.—To correspond with the Imperial and Colonial Governments in reference to the labour requirements of the several Colonies, and the classes of emigrants needed; and to obtain their co-operation and support.

1. The mode in which it is intended to carry out the above objects, is by the formation of a committee of ladies, and another committee of gentlemen, selected from the general body of subscribers, and the appointment of a paid permanent Secretary at the Central Office in London, where every information will be afforded gratuitously, and where pamphlets and publications in connection with all the Colonies, may be obtained at a reasonable price.

2. By the establishment of branch offices in the large towns of the United Kingdom, under the management of local committees.

3. By establishing corresponding committees in the Colonies, to co-operate with the Society in England, and especially to provide for the reception of female emigrants upon their arrival at the port of debarkation.

4. By providing a "temporary home" in London, where single female emigrants, who may have been accepted as fit recipients of the Society's assistance, may be received and visited by the ladies' committee.

5. By securing, in co-operation with the "British Ladies' Female Emigrant Society," duly qualified matrons for the superintendence of single female emigrants, and by providing materials for their employment during the voyage.

6. By raising funds, by grants, donations, and subscriptions in Great Britain and her Colonies, to carry out these objects, and to facilitate, at the present time, the emigration of the distressed operatives in the manufacturing districts.

In bringing the Society before the public, the committee confidently hope that they will not make a vain appeal in favour of this great national undertaking. It is not their wish to urge the merits of any particular Colony; their object is to give that amount of healthy assistance which the strong may render to the weak, with the feeling that their aim is the public good.

By order,
JOHN BATE,
Secretary.

18th February, 1863.

No.

No. 6.

J. WALKER, Esq., LONDON, to COLONIAL SECRETARY.

60, *Porchester-terrace*, London (W.),
26 February, 1863.

DEAR SIR,

Knowing, as I do, the great interest you take in the welfare of New South Wales, and assuming that you are aware that I have taken some interest on the subject of emigration, I venture to impress upon you the absolute necessity of your taking some steps on your side at the present time.

You have now a chance which may never occur again. The operatives here are getting quite tired out, and the charitable are equally so. A great movement is to be made shortly to induce the Government here to take up the subject, and if it is refused there is reason to fear a dangerous state of excitement on the part of the lower orders. Strong symptoms have already shewn themselves in the provinces, but the information regarding them has been suppressed by the leading papers. The funds are becoming exhausted, and the time for action is fast approaching.

You have tried the old system of emigration and found it wanting. Dalley and Parkes did all they could for you, and you must be convinced that, if your Colony is to be *resuscitated* by emigration, you must try some other plan.

I well remember that when I urged upon your Government the *remission scheme*, through the Chamber of Commerce, you viewed it most favourably, and your grand objection (which was a reasonable one) was the fear that it would break down, because the shipowners would be unwilling to take the "permits to emigrate" on payment of passage-money. Now that Queensland has adopted the scheme, and it has been proved that shipowners *will take* the remission tickets for passage-money, all your objections should vanish. New South Wales had the merit of originating this scheme; it was originated by Mr. Thomson, of the *Survey Office*, Sydney (I only fathered it); Queensland has borrowed or adopted. New South Wales cannot be said to copy in adopting its own invention.

If you will only pass an Act, similar to that of Queensland, on this subject, you will see such a return to prosperity in your Colony as will astonish you. I have not the evidence on this subject which was taken by the Committee of which you were Chairman; you can easily get it. Refer to that evidence and compare it with subsequent events, and you will be convinced that it was a well-devised scheme. With apology,

I am, &c.,
(*In haste*) J. WALKER,
(Formerly of How, Walker, & Co.)

No. 7.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART., K.C.B.

(Circular.)

(New South Wales.)

Downing-street,
11 April, 1863.

SIR,

The distress which still prevails among the manufacturing population of the Northern Counties, and the apparent probability of its continuance, make it necessary for Her Majesty's Government carefully to consider the several schemes which have been proposed for rescuing the people from their present condition, and for enabling them again to earn an independent livelihood. Among those schemes, as you are no doubt aware, emigration occupies a prominent place. If the people in question had been accustomed to outdoor labour, and their numbers were less excessive, there would be no room to doubt that emigration would afford to them, as it has to others, an immediate escape, and that their transfer to other portions of the empire would be as beneficial to the Colonies as to the people themselves; but these people are differently circumstanced—a large majority of them have been accustomed to in-door work only, and would probably be incapable at first of performing any considerable amount of hard labour out of doors. Others have been employed in out-door, though not absolutely agricultural, labour, and these might be expected to be at once useful; but the numbers of the whole class are so great, and comprise so large a proportion of women and children, that some doubt must be felt as to the possibility of their ready absorption by the Colonies, even irrespective of their previous employments.

If, however, it should be decided to encourage or assist the emigration of any portion of those people, it would be of great importance to Her Majesty's Government to know accurately to which of Her Majesty's Colonial possessions their emigration might be directed, with the best prospect of advantage to the people themselves, and to the Colony. The information at present at my command does not enable me to answer this question with confidence. I think it better, therefore, to refer at once to you, and to request you to furnish me with the best information in your power upon the subject. You will understand that the people are destitute, and that they must therefore earn their living by working for wages, not by occupying or cultivating land on their own account. It is obvious that land is of no use to men who have not the means of living till they can raise a crop. In reporting on the subject I would request you to state what

is

is the opening in the Colony for each class of the persons to whom I have referred; that is, for married men with families, who have been accustomed to out-door though not agricultural labour; for the same class, who have been employed in in-door labour only; for single men of average health and strength, who have been employed in out-door and in-door labour respectively; and for young women of good character who have been employed in the mills, but who may have had some experience of domestic service, or might seem capable of undertaking it?

You will of course, however, not restrict yourself to the above points, if there are any other matters connected with the subject which it appears to you important that Her Majesty's Government should know.

I need hardly add, in conclusion, that I should be anxious to receive your answer to this despatch, at your earliest convenience.

I have, &c.,
NEWCASTLE.

No. 8.

REPRESENTATIVE AGENT OF NEW SOUTH WALES to COLONIAL SECRETARY.

5, Cannon-street, London, (E.C.)
24 April, 1863.

SIR,

I have the honor to bring under your notice, the movement which is now being made in this country, to have recourse to emigration in aid of the distressed operatives in the cotton districts.

Mr. H. H. Browne, formerly Agent for Immigration in New South Wales, has written to me on the subject, and I herewith beg to forward a copy of his letter.

An opinion is fast gaining ground, that the cotton manufacture will not, for many years, if ever, assume its former proportions, and the public look with alarm, not only to the difficulty of providing food and clothing for these unfortunate people, but to the consequences of protracted idleness; and the result is, that the attention of the public is directed prominently to emigration as a necessary escape from embarrassment. Two societies, supported by many gentlemen of rank and great local influence, have been formed for the furtherance of this object, and it is expected that they will be liberally supported, not only by private subscriptions, but by a grant of money from the public exchequer.

The Committee sitting at the Mansion House, under the Presidency of the Lord Mayor, are favourably disposed towards this project, and grants in aid have already been voted out of the funds at their disposal, but as the money was not specially subscribed for emigration, the Committee hesitate to adopt the scheme as one consistent with the wishes and intentions of the subscribers. His Lordship has, however, announced that he is prepared to open a new subscription list for the purpose of emigration, and there can be no doubt that, as the pressure increases, and fresh contributions are required, they will be given for this special object.

Viewing emigration solely as a means of relief from a pressing emergency, it may be assumed that the English public, and more particularly the Government, will consider their duty confined to the removal of the largest number of distressed people from a position of want to one of comfort and abundance, so that the greater cost of a passage to the Australian Colonies would preclude them from participating in an emigration so conducted. It therefore seems probable that a rate will be fixed, determined by the cost of transport to the nearest country that may be considered eligible; and that the more distant Colonies, if desirous of participating in the benefits of this charity, will have to provide from their own resources any excess over and above this minimum rate.

The Colonies of Victoria, Queensland, and New Zealand, have already sent Home sums of limited amount to be applied in this way, and their agents have received supplementary donations in this country; and I have no doubt, that as soon as intelligence is received that the English public, and possibly the English Government are, for the first time, prepared to contribute towards the expenses of emigration, additional funds will be provided.

Under these circumstances I feel it to be my duty to invite your attention to this important question. From information lately received from Sydney, I observe that the revival of emigration, even without the condition of local nomination, has been determined on, and that a sum of £30,000 has been appropriated to this object. I therefore think it probable that the scheme, now attracting so much attention on this side, will be favourably entertained by the public in the Colony; for independently of its recommendation as a means of acquiring additional population at a greatly reduced cost, it invites support as a means of restoring comfort and industrial employment to those whose sufferings have already excited so much sympathy, and have received so large a measure of relief from the people of New South Wales.

If this emigration were carried on solely at the expense of the Colony, a question might arise whether operatives, accustomed to employment in-doors, are the most eligible to supply its wants?—but on the other hand it must be borne in mind that they are, as a class, superior to ordinary emigrants, and it is certain that they will easily adapt themselves to new circumstances and new conditions of life, and that the mild climate of
Australia.

Australia is peculiarly suited to them. It may also be found possible to turn this opportunity to good account, by laying the foundation of a manufacturing industry in these Colonies—a result which, however inconsistent with the doctrines of political economy, appears to me most desirable.

It does not appear to me that any reason exists why the funds voted for this purpose should not be appropriated, as usual, by the Emigration Commissioners of London. I shall have great pleasure in advising with them on the subject, if desired to do so, but they are more competent than I can be, to carry out the wishes of your Government with judgment and economy.

I have, &c.,
EDWD. HAMILTON,
Rep. Agent of New South Wales.

[Enclosure.]

22, Molcombe-street,
Belgrave-square,
18 April, 1863.

My Dear Hamilton,

In this great and almost National Emigration movement, which is now taking place, can nothing be done for New South Wales, that will place her on a par with the other Colonies of Australia and New Zealand? Victoria, Canterbury, and Queensland have made a start, and the sums applied by their respective Governments have been largely supplemented by contributions from the public. Victoria has already got subscriptions to the amount of £2,000. They got also from the Mansion House, yesterday, £1,000, and in my interviews with the Lord Mayor and the Mansion House Committee, I felt satisfied that they only required a good opportunity to expend a large portion of their balance in facilitating emigration.

The mill-owners and the leading journals try to impress upon the public the utter inutility of inducing these people to emigrate, as they say they will starve abroad, which, as far as the Australian Colonies are concerned, you know to the contrary. I have tried to produce a different impression, but have as yet failed to accomplish it, as the *Times* has not only not inserted my letter, but has failed to publish the full report I and three other gentlemen had with the Relief Committee, about a fortnight since. Now, as to the prospect of again employing these people at the mills, I believe no one has an idea that this time will arrive before an amount of distress has overtaken them, which will utterly demoralize them, and make them unfit for the Colonies to which they will, in all probability, be then sent as "paupers"; and in this view I am borne out to a considerable extent by a communication which I received this morning from Lord Sydney Godolphin Osborne.

My idea is to anticipate, and if possible mitigate, this extreme evil, by selecting and sending out from amongst the strong and willing those that are likely to become useful colonists; but New South Wales cannot, I fear, obtain any of the public sympathy, unless she is prepared to do what the other Colonies have done, and you might possibly, in your discretion, do something; or if you think favourably of the idea, bring the matter under the notice of the Government of New South Wales.

E. Hamilton, Esq.

Believe me, &c.,
H. H. BROWNE.

No. 9.

UNDER SECRETARY FOR LANDS to SECRETARY TO THE NATIONAL COLONIAL
EMIGRATION SOCIETY, LONDON.

New South Wales,
Department of Lands,
Sydney, 21 July, 1863.

SIR,

Referring to your letter of the 19th February last, urging that the collections made in this Colony in behalf of the Lancashire Fund, might be applied, as far as possible, to the immigration of distressed artizans and their families, I am directed by the Secretary for Lands to state, that the Government, not having any control over the Lancashire Fund, it was not deemed necessary at the time to make any communication to you in reference thereto.

2. Since, however, the receipt of your letter new regulations have been passed by this Government with regard to Assisted Immigration (a copy of which is herewith enclosed,) and by which it will be perceived that immigrants can be introduced here by being nominated either in this Colony or the United Kingdom, the deposits being of course payable in this Colony—(See clauses 3 and 4.)

I have, &c.,
MICL. FITZPATRICK.

[Enclosure.]

IMMIGRATION OF DISTRESSED LANCASHIRE OPERATIVES.

9

[Enclosure.]

Department of Lands,
Sydney, 19 May, 1863.

IMMIGRATION.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to establish the following Regulations for Assisted Immigration, in lieu of those issued on 21st June, 1861.

1. Any person who may be desirous of introducing from the United Kingdom, immigrants of the laboring classes, will be permitted to do so on making the following deposit, and furnishing the names and all particulars of the persons to be introduced at the time of making such deposit, viz. :—

Sex.	Age.			
	Under 12 years.	12 and under 40 years.	40 and under 50 years.	All above 50 years.
Male	£ 4	£ 7	£ 9	£ 12
Female	£ 3	£ 4	£ 7	£ 12

2. In like manner any person may introduce from the United Kingdom, immigrants of the laboring classes without naming them in the Colony, on payment of the following rates :—

Sex.	Age.			
	Under 12 years.	12 and under 40 years.	40 and under 50 years.	All above 50 years.
Male	£ 4	£ 11	£ 13	£ 15
Female	£ 3	£ 4	£ 7	£ 12

3. It must be distinctly understood that the Government will only guarantee passages for laborers selected under the last preceding clause, to the extent of money allotted to this purpose, which, in the year 1863, will be £30,000.

4. The deposits in either case, must be made, if in Sydney, at the Government Immigration Office, between the hours of 10 a.m. and half-past 2 p.m., and if in the Country Districts, with the Clerks of Petty Sessions during the usual office hours. Any sums which depositors desire to add for the purpose of providing the outfit required by the Emigration Commissioners in London, will be received at the same time, and transmitted to the Commissioners. The estimated cost of such outfit for an adult is about £3.

5. The immigrants must be brought out in ships chartered by Her Majesty's Emigration Commissioners in London, and the depositor in the first class of cases will be required to afford all such information respecting the immigrants he proposes to introduce, as may be necessary to enable the Agent for Immigration, or Clerk of Petty Sessions, to comply with his application, and the requirements of these regulations.

6. The persons eligible under these regulations are mechanics of every description, domestic servants, and all persons of the laboring class. They must be of sound mental and bodily health, and of good moral character.

7. No advantage will be allowed in respect of any person brought out as a cabin or intermediate passenger.

8. Depositors must undertake to provide for the immigrants they introduce after the expiration of ten days from the time of their arrival, or pay to the Government for their subsistence at the rate of 1s. per day, for each adult, or half that amount for each child under the age of 12 years, so long as they may be maintained at the public expense after the expiration of that period.

9. In the event of any person nominated in the Colony for a passage, declining to emigrate, or in case the amount deposited shall exceed that required for the number of immigrants actually introduced, the amount deposited, or the excess, as the case may be, will be returned to the depositor, upon receipt in the Colony of the Emigration Commissioners' report recommending its repayment; but the deposit made for the introduction of laborers under clause 2 will not, under any circumstances, be returned.

10. The Clerks of Petty Sessions, on receipt of any deposit under these regulations, will immediately remit the amount to the Agent for Immigration in Sydney, with a statement of the number and description of the immigrants whom the depositor wishes to introduce. The Agent for Immigration will thereupon prepare and forward to the Clerk of Petty Sessions, for delivery to the depositor, a passage certificate. Similar certificates will be issued to depositors in Sydney, on payment of their deposits to the Agent for Immigration.

11. The passage certificate must be forwarded by the depositor to his friends or agents in the United Kingdom, and it must in every case be produced within *twelve months* from the date of it to Her Majesty's Emigration Commissioners in London, who will provide passages to the Colony for the immigrants proposed to be introduced.

12. Forms of application, as well as all other information for the guidance of depositors, can be obtained from the several Clerks of Petty Sessions in the Country Districts, or in Sydney, at the Office of the Agent for Immigration.

13. These regulations will take effect on and after the 1st June next.

JOHN ROBERTSON.

No. 10.

PETITION OF THE GIRVAN HANDLOOM WEAVERS' EMIGRATION SOCIETY.

Unto the Honorable the Governor General and Executive of the Colony of New South Wales.

The Petition of the Girvan Handloom Weavers' Emigration Society,—

HUMBLY SHEWETH :—

That your Petitioners are Handloom Weavers in the town of Girvan, Ayrshire, Scotland, and owing to the depression of trade and the low rate of wages, being on an average 4s. 6d. per week, and only partially employed for the last three years past, makes our position very deplorable, and on account of the circumstances we are forced to apply to you for assistance, to enable us to emigrate to your Colony.

Our district being a rural one, we are all, less or more, acquainted with field operations, in seed time and harvest, but being necessitated, by the depression of trade, we are accustomed at all times of the year to out-door labour, viz. :—Such as making of roads and all other useful employments.

Your Petitioners consider that they would be useful to the Colony in a general way, by endeavouring to advance it in prosperity and wealth, and at the same time raising themselves in the social scale, and becoming useful members of society.

Under the abovementioned circumstances we humbly beg that you will take our case into your favourable consideration, and grant us free passages, or in any other way to you seeming most fit and convenient, to further the object we have in view.

We are also willing to come under any obligations and directions which you may consider, not only for our interest, but also for the benefit of the Colony, and under the regulations formed by the different Associations therein, for the purposes of emigration.

And your humble Petitioners, as in duty bound, will ever pray.

SAMUEL LYONS, Treasurer.
WILLIAM JOHN HERVEY, Chairman.
WILLIAM STEAD, Secretary.

We, the Ministers of Girvan, knowing the circumstances of the Petitioners to be as set forth in the foregoing Petition, do most cordially support its prayer.

WILLIAM CARSON, Minister of Girvan.
DAVID CHAPMAN, Minister of Scotch Church.
ADAM BLYTH, Minister of Free Church.
(And 5 other signatures.)

No. 11.

UNDER SECRETARY FOR LANDS to PARISH MINISTER OF GIRVAN.

*New South Wales, Department of Lands,
Sydney, 20 August, 1863.*

REV'D. SIR,

With reference to the Petition to the Government of this Colony, from the Girvan Handloom Weavers' Emigration Society, praying for assistance towards emigration, I am directed by the Secretary for Lands to forward to you a copy of the new Regulations issued by this Government, with regard to Assisted Emigration, by which you will perceive that the Government is not enabled to enter into the propositions made by the Society.

I have, &c.,
MICL. FITZPATRICK.

No. 12.

UNDER SECRETARY FOR LANDS to PARISH MINISTER OF GIRVAN.

*Department of Lands,
Sydney, 28 August, 1863.*

SIR,

Referring to the letter forwarded by you to this Office on the 22nd June last, from Mr. Edward Hamilton, stating that steps are now being taken in England for promoting the emigration to the Colonies of distressed Cotton Operatives, and suggesting that the amount voted by Parliament here might be devoted, to some extent, to the furtherance of that object, I am directed by the Secretary for Lands to state, for the information of Mr. Hamilton, that there are no funds at the disposal of the Government applicable to the granting of assistance to distressed operatives, unless application is made, and the necessary deposit paid under the regulations of 19th May last (a copy of which is enclosed), but that otherwise they come within the scope of such regulations.

I have, &c.,
MICL. FITZPATRICK.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ASSISTED IMMIGRATION.

(REGULATIONS, DATED 19TH MAY, 1863.)

Ordered by the Legislative Assembly to be Printed, 24 July, 1863.

*Department of Lands,
Sydney, 19 May, 1863.*

Hrs Excellency the Governor, with the advice of the Executive Council, has been pleased to establish the following Regulations for Assisted Immigration, in lieu of those issued on 21st June, 1861.

1. Any person who may be desirous of introducing from the United Kingdom, immigrants of the labouring classes, will be permitted to do so on making the following deposit, and furnishing the names and all particulars of the persons to be introduced, at the time of making such deposit, viz. :—

SEX.	AGE.			
	Under 12 years.	12 and under 40 years.	40 and under 50 years.	All above 50 years.
Male	£ 4	£ 7	£ 9	£ 12
Female	3	4	7	12

2. In like manner, any person may introduce from the United Kingdom, immigrants of the labouring classes, without naming them in the Colony, on payment of the following rates :—

SEX.	AGE.			
	Under 12 years.	12 and under 40 years.	40 and under 50 years.	All above 50 years.
Male	£ 4	£ 11	£ 15	£ 15
Female	3	4	7	12

3. It must be distinctly understood, that the Government will only guarantee passages for labourers selected under the last preceding clause, to the extent of money allotted to this purpose, which, in the year 1863, will be £30,000.

4. The deposits in either case must be made, if in Sydney, at the Government Immigration Office, between the hours of 10 a.m. and half-past 2 p.m., and if in the Country Districts, with the Clerks of Petty Sessions during the usual office hours. Any

sums which depositors desire to add for the purpose of providing the outfit required by the Emigration Commissioners in London, will be received at the same time, and transmitted to the Commissioners. The estimated cost of such outfit for an adult is about £3.

5. The immigrants must be brought out in ships chartered by Her Majesty's Emigration Commissioners in London, and the depositor in the first class of cases will be required to afford all such information respecting the immigrants he proposes to introduce, as may be necessary to enable the Agent for Immigration, or Clerk of Petty Sessions, to comply with his application and the requirements of these Regulations.

6. The persons eligible under these Regulations are mechanics of every description, domestic servants, and all persons of the labouring class. They must be of sound mental and bodily health, and of good moral character.

7. No advantage will be allowed in respect of any person brought out as a cabin or intermediate passenger.

8. Depositors must undertake to provide for the immigrants they introduce, after the expiration of ten days from the time of their arrival, or pay to the Government for their subsistence at the rate of 1s. per day, for each adult, or half that amount for each child under the age of twelve years, so long as they may be maintained at the public expense after the expiration of that period.

9. In the event of any person nominated in the Colony for a passage, declining to emigrate, or in case the amount deposited shall exceed that required for the number of immigrants actually introduced, the amount deposited, or the excess, as the case may be, will be returned to the depositor, upon receipt in the Colony of the Emigration Commissioners' report recommending its repayment; but the deposit made for the introduction of labourers under clause 2 will not, under any circumstances, be returned.

10. The Clerks of Petty Sessions, on receipt of any deposit under these Regulations, will immediately remit the amount to the Agent for Immigration in Sydney, with a statement of the number and description of the immigrants whom the depositor wishes to introduce. The Agent for Immigration will thereupon prepare and forward to the Clerk of Petty Sessions, for delivery to the depositor, a passage certificate. Similar certificates will be issued to depositors in Sydney, on payment of their deposits to the Agent for Immigration.

11. The passage certificate must be forwarded, by the depositor, to his friends or agents in the United Kingdom, and it must in every case be produced within *twelve months* from the date of it to Her Majesty's Emigration Commissioners in London, who will provide passages to the Colony for the immigrants proposed to be introduced.

12. Forms of application, as well as all other information for the guidance of depositors, can be obtained from the several Clerks of Petty Sessions in the Country Districts, or in Sydney, at the Office of the Agent for Immigration.

13. These Regulations will take effect on and after the 1st June next.

JOHN ROBERTSON.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. HUTCHINSON HOTHERSALL BROWNE.
(LATE IMMIGRATION AGENT.)

Ordered by the Legislative Assembly to be Printed, 28 July, 1863.

Copy of Despatch from His Grace the Duke of Newcastle (with Enclosure), having reference to the refusal of retiring allowance to H. H. Browne, Esq., upon the abolition of his office as Agent for Immigration.—10 May, 1862. (Being in continuation of the Correspondence laid before the Legislative Assembly on 23rd October last.)

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG, BART.

Downing-street,
10 May, 1862.

SIR,

I have the honor to transmit to you the copy of a letter which I have ^{9 April, 1862.} received from Mr. H. H. Browne, who recently filled the appointment of Agent for Immigration in New South Wales, in which he complains of the proceedings of the local Legislature, in refusing to provide him with a retiring allowance on the abolition of his office.

As Mr. Browne has served the Colony in various capacities for a period of more than twenty years, to the satisfaction, as it would appear, of successive administrations, I cannot but regret that, in the abolition of his office, the Legislature should have declined to make such provision as is usually awarded to public officers under similar circumstances.

I should wish you, therefore, to lay a copy of Mr. Browne's letter before your responsible advisers, in the hope that some more favourable opportunity may present itself for bringing his claims once more before the notice of the Legislature.

I have, &c.,
NEWCASTLE.

[Enclosure.]

Binfield Court, Berkshire,
9 April, 1862.

My Lord Duke,

I have the honor to submit, for the information and consideration of Her Majesty's Government, a correspondence which has taken place between the Executive Government of New South Wales and myself, respecting the abolition of the office which I held there by virtue of a warrant under Her Majesty's Royal Signet and Sign Manual, as Agent for Immigration.

This correspondence took place on the intimation made by the Government directing the Immigration Department to be closed, and the information, subsequently communicated, of the refusal of the Legislature to provide me with a pension or retiring allowance, in pursuance of the recommendation of the Governor and Executive Council.

A reference to the Blue Book will shew that I entered the Civil Service of the Government of New South Wales, as Water Police Magistrate, in the year 1840, and continued to hold various appointments in that Colony, until the office I then held, as Agent for Immigration, was abolished, by the refusal of the Legislature to vote any sum of money for the continuance of Immigration. Commission dated 21st Oct., 1840. Appointed Agent for Immigration, 3 June, 1851. Royal Commission, dated 24 June, 1852.

Relying on the decision of the Governor and Executive Council, as communicated in their letter of the 21st of February, 1861, I proceeded to Europe, in the full belief that the allowance, as calculated by the Auditor General, would be paid to me.

The Assembly having refused to confirm the decision of the Executive Government, and having also placed the office on a different footing, by the reduction of the Agent's salary to £400 a year, I am precluded from again accepting that office, and am left without provision in after-life, after a service of upwards of twenty years.

In making this application to your Grace, I am quite aware that the control of the public funds are, by the Constitution Act, placed in the hands of the local Legislature; but I am also satisfied that Earl Russell, as Principal Secretary of State for the Colonies, when transmitting the New Constitution Act to the Governor General, distinctly pointed out that he trusted all proper faith would be maintained towards existing public officers; and the office which I held being at that time exclusively under the control of the Lords Commissioners of the Treasury, I feel full reliance in now submitting my case for the consideration of your Grace, in the confident hope that Her Majesty's Government will not fail to use their powerful aid to prevent so great an injustice being committed as that under which I now labour, and of which I feel that I justly complain.

I have, &c.,
H. H. BROWNE.

His Grace
The Duke of Newcastle,
&c., &c., &c.

1863.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

IMMIGRANT VESSELS.

(AND FINES INFLICTED ON OFFICERS OF SUCH VESSELS.)

Ordered by the Legislative Assembly to be Printed, 1 December, 1863.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 4 August, 1863, That there be laid upon the Table of this House,—

“ (1.) A Return of all Vessels which, under the Immigration Regulations, have brought Immigrants to this Colony, since the 1st day of January, 1860.

“ (2.) A Return of all Fines which have been inflicted upon Officers of such Vessels by the Immigration Board, specifying the names of such Officers, their rank, and the causes for which such Fines have been inflicted, during the same period.

“ (3.) All Correspondence in connection with the infliction of such Fines.

“ (4.) An Account shewing to what Fund such Fines have been paid, and in what manner they have or will be appropriated.”

(*Mr. Holroyd.*)

IMMIGRANT VESSELS.

Name of Immigrant Ship.	Name of Officer.	Rank of Officer.	Amount of deduction from Officers gratuity.	Reason for such Deduction.	To what Fund such deductions or "Fines" have been paid, or manner in which they have or will be appropriated.	Correspondence in connection therewith.	
			£ s. d.				
1860.							
"Alfred"	F. W. Johnson	Surgeon-Superintendent ..	176 16 0	} <i>Vide</i> Extract from Immigration Agent's Report, Appendix A	The amount of the deductions made from Officers gratuities remains unexpended from the Vote for Immigration.	} <i>Vide</i> Appendix A.	
	George Cossey	Master	44 4 0				
	Henry Parker	Third mate	22 2 0				
"Fitzjames" .....	.....	.....	Nil.				
"Dirigo" .....	.....	.....	"		
"Hannah More" .....	.....	.....	"		
"Chance" .....	.....	.....	"		
"Tudor" .....	.....	.....	"		
"Telegraph" .....	.....	.....	"		
"Lady M'Donald" .....	.....	.....	"		
1861.							
"British Trident" .....	.....	.....	"		
"Hotspur" .....	.....	.....	"		
"Queen Bee" .....	.....	.....	"		
"Nile" .....	.....	.....	"		
"John Masterman" .....	.....	.....	"		
"Sovereign of the Seas" ..	.....	.....	"		
"Stornaway" .....	.....	.....	"		
1862.							
"Eveline" .....	.....	.....	"		
"Annie Wilson" .....	.....	.....	"		
"Abyssinian" .....	.....	.....	"		
"Lady Milton"	George Leiphardt	Purser	5 0 0	} <i>Vide</i> Extract from Immigration Agent's Report, Appendix B		} <i>Vide</i> Appendix B.	
"Hotspur" .....	.....	.....	Nil.				
"Ocean Empress" .....	.....	.....	"		
"Northumberland" .....	.....	.....	"		
"Eastern Empire" .....	.....	.....	"		
"Donald M'Kay" .....	.....	.....	"		
1863.							
"Coldstream" .....	.....	.....	"		
"Lobelia" .....	.....	.....	"		
"Sir John Moore"	James Wallis, M.D.	Surgeon-Superintendent ..	25 0 0	} <i>Vide</i> Extract from Immigration Agent's Report, Appendix C and D		} <i>Vide</i> Appendix C. <i>Vide</i> Appendix D.	
	John Gilkisson	Third mate	6 5 0				
"Fairlie" .....	.....	.....	Nil.				
"Persia" .....	.....	.....	"		
"Ironside"	S. Payne Chennell	Surgeon-Superintendent ..	30 0 0	} <i>Vide</i> Extract from Immigration Agent's Report, Appendix E	} <i>Vide</i> Appendix E.		
"John Temperley" .....	.....	.....	Nil.				

IMMIGRANT VESSELS.

Government Immigration Office,
Sydney, 31 October, 1863.

GEORGE F. WISE,
Agent for Immigration.

APPENDIX A.

(Extract.—Ship "Alfred.")

Government Immigration Office,
Sydney, 8 March, 1860.

6. The surgeon-superintendent, Mr. F. W. Johnson, appeared to have performed his medical duties in a satisfactory manner, and reported that at all times he received every assistance and co-operation from the master and officers of the ship; but the Board felt dissatisfied with the individual conduct of Mr. Johnson, and the master, Mr. George Cossey, and having reason to believe that certain of the stipulations of the charter-party had not been fulfilled—particularly as regards the prohibition of intercourse between the crew and the female passengers—they deemed it their duty to hold an inquiry in the matter; and the evidence taken before them, together with the conclusions at which they have arrived, are now submitted.

7. The Board, as it will be seen, examined a considerable number of witnesses, including the matron, the schoolmaster, and the hospital assistant. They also, at the request of Mr. Johnson, obtained answers to sundry queries proposed by him to some of those immigrants who had removed into the interior prior to the institution of the inquiry.

8. From the evidence adduced, it appeared that soon after the vessel emerged from the higher latitudes, dancing was established for the recreation of the emigrants, and had this amusement been confined to the female passengers themselves, as directed by the Commissioners' regulations, there would have been no cause for complaint, but the manner in which it was conducted was obviously objectionable—in violation of the charter-party—and derogatory to the position of the surgeon-superintendent and master of an emigrant ship.

9. On board of this vessel there were several persons berthed in the single females' apartment, who, being better educated and of rather a superior description to ordinary female domestics, were selected by the surgeon and master as their own immediate associates, and to those persons more attention was paid, some of them being dieted occasionally from the cabin table.

10. The girls alluded to, with a few others, evidently formed a select party, to whom the poop-deck was made available for dancing; and the surgeon, master, several of the single male emigrants, and one or two of the ship's crew, joined in the dance, alternately dancing the polka, &c., and walking about with the girls.

11. Whilst this was going forward on the poop, the larger portion of the single females were obliged to content themselves with the confinement of the quarter-deck, and at 8 o'clock they were ordered below, into their sleeping apartment, whilst the select few were allowed to continue dancing until 10 p.m., and, if the weather proved unpropitious, to remove to the male hospital for that purpose.

12. Such an example as this, set by the principal officers of the ship, it is only natural to suppose produced a considerable amount of jealousy amongst the less favoured portion of the emigrants, and was, as is stated by the schoolmaster, productive of a generally lax system of discipline throughout the vessel, for, whilst the dancing was going on, the single men and crew took the opportunity to talk to the single females located on the quarter-deck.

13. There was also evidence to shew that some of the "select few" were allowed to sit in the saloon or general cabin, and were, on some occasions, treated with wine, &c.

14. The surgeon, when called upon to explain his conduct, admitted that he and the master danced with some of the single females, as stated, but denied having shewn special favouritism to any particular females, justifying his conduct in this respect, on the ground that he had pursued the same course on previous voyages, without incurring any blame, and that, taking this view of the regulations, he had accordingly noted such occurrences in his journal. He also wished to exonerate the master from blame, as he had acted, after much persuasive entreaty, on the representation that the course advocated by him (the surgeon) was the right one, and that, notwithstanding the continuance of the dancing, no degree of familiarity had been engendered, nor had any loss of power or moral control been incurred.

15. The Board are constrained, with much regret, notwithstanding that Mr. Johnson has made seven voyages in the Commissioners' service, to differ entirely with the views expressed by him on this point, and to disagree with him in his belief that such a degree of favouritism was not productive of loss of moral position, whilst they believe that from his experience, as well as knowledge of the regulations as applicable to all those in authority on board an emigrant ship, he was, or at least ought to have been, fully convinced that the course he was adopting was wrong.

16. He also attempted to justify his conduct as being in accordance with the Commissioner's Instructions, in the 34th paragraph of which he is directed to "promote music, dancing, and every harmless means of combining exercise and amusement"; but, in thus construing this portion of them, he entirely overlooked the introductory remarks thereon, where he is especially enjoined to "prevent communication with the single females," and failed to regard the instructions to the master and matron on the subject (with copies of which he was provided), in the former of which allusion is made to the 27th clause of the charter-party, strictly prohibiting on the part of the crew and officers any intercourse whatever with the female emigrants, and in the latter of which the matron is charged with the absolute control after dark of the single women, and empowered to muster them at any time to prevent irregularity. How, then, can he justify his conduct upon any such grounds, after allowing single male immigrants and portions of the crew to mix with the single females?—or how can he venture to uphold a course of proceeding of sanctioning and promoting dancing after dark in the male hospital, the only access to which (as shewn by the accompanying plan) was through the passage leading to the single females' apartment, an arrangement—causing a direct violation of the instructions to the master, from the fact that a few single females were thus enabled to absent themselves from the apartment at times when they should have retired to rest with the other girls, and been under the undisputed control of the matron?

17. In thus animadverting on the conduct of the surgeon and master of this vessel, it is only right to allude to a rumour which gained ground during the voyage, and was the subject of an inquiry at the time, to the effect that the surgeon-superintendent had been on terms of improper intimacy with a young married woman, one of the "select few," named Kennedy, whose husband was in the Colony, and to state that the Board have every reason to believe the rumour in question was without foundation, and that no such improper familiarity or levity of conduct was traceable to either of those officers.

18. The master, Mr. Cossey, in extenuation of his conduct, explained that he at first declined to take part in the dancing, but was induced to do so on the representation of the surgeon that such a course was within the regulations, and only in accordance with the custom he himself had adopted in all his former vessels.

19. Had this been Mr. Cossey's first voyage, such an excuse might have availed him; but having made two previous voyages without seeing any practice of the kind introduced, it is to be feared that he fell a victim to the seductive influences of the Burkes and Kennedy, without any consideration of the consequences of doing so. The Board feel, therefore, that this is too serious a matter to be passed over; but being willing not to exclude either surgeon or master from again taking service in the Commissioners' ships, they propose the infliction of such a pecuniary penalty in their case as will act as a salutary warning to those gentlemen in future. The Board also consider that a pecuniary penalty should be inflicted upon the owners for the violation by their servant of the 27th clause of the charter-party.

IMMIGRANT VESSELS.

20. They accordingly recommend—Firstly, that the owners be mulct in a penalty of £50; secondly, that the surgeon-superintendent be deprived of one-half of his gratuity, viz., £176 16s.; and thirdly, that the master be deprived of his gratuity, amounting to £44 4s.

21. The third officer, Mr. Henry Parker, although not mixed up in the dancing irregularities, was discovered in sending wine and beer to one of the single females in the Depot, with whom he was reported to be intimate, and the Board are of opinion that he should also be deprived of his gratuity; but the chief officer, Mr. Henry Warren, having kept himself aloof from the dancing, and his conduct being otherwise regular, is considered deserving of his gratuity.

I have, &c.,

H. H. BROWNE,
Agent for Immigration.

The Under Secretary for Lands.

(Extract—Ship "Alfred.")

Department of Lands,
Sydney, 19 March, 1860.

Sir,

In acknowledging the receipt of your report of the 8th instant, on the emigrant ship "Alfred," I am directed to inform you that the same has been approved by the Secretary for Lands.

I have, &c.,

MICHL. FITZPATRICK.

The Agent for Immigration.

Government Immigration Office,
Sydney, 23 March, 1860.

Sir,

The Immigration Board having submitted to the Honorable the Secretary for Lands, their Report, with the evidence taken before them, at the investigation recently held at this office, in respect to certain irregularities which are alleged to have occurred on board the Immigrant ship "Alfred," and the several recommendations of the Board having been duly approved of, I beg to inform you that the Government, in order to shew their disapproval of your conduct, in not carrying out the instructions of the Emigration Commissioners, in respect to the prevention of intercourse on the part of the crew or officers with the female passengers, have decided that you be deprived of one-half of the gratuity to which you would otherwise have been entitled.

I have, &c.,

H. H. BROWNE,
Agent for Immigration.

F. W. Johnson, Esq.,
late Surgeon-Superintendent,
of the Immigrant ship "Alfred."

Government Immigration Office,
Sydney, 23 March, 1860.

Sir,

The Immigration Board having submitted to the Honorable the Secretary for Lands, their report, with the evidence taken before them, at the investigation recently held at this office, in respect to certain irregularities which are alleged to have occurred on board the Immigrant ship "Alfred," and the several recommendations of the Board having been duly approved of, I now beg to inform you that the Government have decided that a penalty of £50 be levied on the owners of the vessel, to shew their disapproval of the breach of the 27th clause of the charter-party, committed in this case, and have also decided to deprive you of the whole of your gratuity.

For the same reasons Mr. Henry Parker, your third officer, has forfeited his gratuity; and I have to request that you will apprise that gentleman accordingly.

Mr. Henry Warren, the chief officer, not having been implicated in any of the irregularities is considered deserving of his gratuity, and will receive payment of it upon application at this office.

I have, &c.,

H. H. BROWNE,
Agent for Immigration.

The Master of the Immigrant ship "Alfred."

APPENDIX B.

(Extract—Ship "Lady Milton.")

Government Immigration Office,
Sydney, 8 September, 1862.

Sir,

5. It came out in examination, and was also brought under notice by the surgeon-superintendent in his journal, that on sundry occasions, and sometimes with reason, the immigrants had been dissatisfied with the weight of their daily allowances. The Board satisfied themselves that the blame in this matter was attributable to the purser alone; and for this, in addition to another act of misconduct (viz., carrying an unprotected light into the hold, whereby some straw got set alight, which occasioned an alarm of fire, and much consequent labour and annoyance), they deducted £5 from the gratuity to which otherwise he would have been entitled.

I have, &c.,

A. G. SHADFORTH,
Agent for Immigration.

The Under Secretary for Lands,
&c., &c., &c.

Department

IMMIGRANT VESSELS.

Department of Lands,
Sydney, 24 September, 1862.

Sir,
In acknowledging the receipt of your letter of the 8th instant, reporting the arrival of the ship "Lady Milton," and the disposal of the immigrants by that vessel, I am directed to inform you that the recommendations of the Board, therein contained, have been approved by the Secretary for Lands, and a copy of your report duly forwarded to the Secretary to Her Majesty's Emigration Commissioners, for their information.

The Agent for Immigration.

I have, &c.,
MICHL. FITZPATRICK.

APPENDIX C.

(Extract.—Ship "Sir John Moore.")

Government Immigration Office,
Sydney, 8 April, 1863.

Sir,
* * * * *
5. Reports as to certain proceedings on board this ship during the voyage, and as to a constant intercourse having taken place between some of the officers and crew and single females, having reached me, I caused inquiries to be made, and subsequently called a meeting of the Immigration Board to investigate the statements which I had obtained in writing from several of the female immigrants. The master and surgeon-superintendent were present at this investigation.

The Board examined several witnesses, and after hearing the master, as also the surgeon-superintendent, in explanation of the statements and charges made, resolved to recommend that a deduction of £25 should be made from the gratuity which would be otherwise paid to the surgeon-superintendent.

6. The Board further considered that the third mate, Mr. John Gilkisson, was not entitled to receive more than half the amount of the gratuity usually paid to that officer; and that a recommendation should be made to the Emigration Commissioners that he be not again employed in the Government Emigration service.

* * * * *
I have, &c.,
GEORGE F. WISE,
Agent for Immigration.

The Under Secretary for Lands.

Department of Lands,
Sydney, 15 April, 1863.

Sir,
In acknowledging the receipt of your letter of the 8th instant, respecting the arrival of the Immigrant ship "Sir John Moore," I am directed to inform you that the recommendations of the Immigration Board, with regard to the gratuity to be paid to the matron, and the deductions to be made in the case of the surgeon-superintendent and the third mate, have been approved by the Secretary for Lands.

2. A copy of the report will be forwarded to the Commissioners as usual by this mail, their attention being specially invited to the suggestion of the Board, that the third mate should not be again employed in the Emigration service, and to circumstances which have led to such recommendation being made.

The Agent for Immigration.

I have, &c.,
MICHL. FITZPATRICK.

Government Immigration Office,
Sydney, 16 April, 1863.

Sir,
In consequence of certain irregularities which occurred on board the Immigrant ship "Sir John Moore," during the voyage to this Colony, for which you are considered responsible, the Minister for Lands has been pleased to approve of the recommendation of the Immigration Board, to the effect that a deduction of £25 should be made from the gratuity to which you would otherwise have become entitled; and I beg, therefore, to inform you, that your gratuity, less the deduction referred to, will be paid to you upon application to this office.

James Wallis, Esq.,
Late Surgeon-Superintendent of the
Immigrant ship "Sir John Moore,"
&c., &c., &c.

I have, &c.,
GEORGE F. WISE,
Agent for Immigration.

APPENDIX D.

Government Immigration Office,
Sydney, 16 April, 1863.

Sir,
In consequence of the improper manner in which Mr. John Gilkisson (the third mate) conducted himself, with respect to the female passengers on board the Immigrant ship "Sir John Moore," during the voyage to this Colony, the Honorable the Minister for Lands has been pleased to approve of the recommendation of the Immigration Board, to the effect that one half only of the gratuity to which Mr. Gilkisson would otherwise have become entitled, should be paid to him; and I beg, therefore, to request that you will inform that officer accordingly; and, at the same time, intimate to him the Minister's approval of the further recommendation of the Board, that he be not again employed in the Government Emigration service.

2. I may add that the gratuities of yourself and officers (less the deduction to be made in Mr. Gilkisson's case) will be paid upon application at this office.

The Master,
Ship "Sir John Moore,"
&c., &c., &c.

I have, &c.,
GEORGE F. WISE,
Agent for Immigration.

APPENDIX E.

*(Extract.—Ship "Ironside.")**Government Immigration Office,
Sydney, 22 May, 1863.*

Sir,

6. Having been informed that the matron of the female immigrants had, during the whole of the voyage, taken her meals at the cabin table, instead of (according to the regulations) in her own compartment, I convened a special meeting of the Immigration Board for the purpose of investigating this matter, the master, the surgeon-superintendent, and the matron being present at this investigation. The Board considered that the explanation afforded by the master, with respect to this infraction of the 23rd clause of the charter-party, was sufficiently satisfactory to justify them in recommending that, on the present occasion, no fine should be inflicted, nor any deduction made from the usual gratuity paid to masters of Immigrant ships.

Dr. Chennell, the surgeon-superintendent, acknowledged that he had given his sanction to the matron taking her meals at the cuddy table—that he was not aware of any regulation on the subject—and that he therefore considered he had a discretionary power; but on reference being made to his letter of instructions, it was clear that he had no discretionary power, and that his instructions were sufficiently explicit.

The matron, Miss Robertson, in justification of her conduct, desired to explain that she was not aware of having acted contrary to the regulations, but stated that she had never, on previous occasions, taken her meals at the cuddy table.

Reference was made to the correspondence of June 14th, and November 10th, 1859, between the Honorable the Colonial Secretary and the Emigration Commissioners in London, wherein it is specially stated, that to permit the matrons to have a seat at the cabin table "would be open to serious objections," upon the basis of which correspondence, regulations had been subsequently enacted, which have hitherto been strictly adhered to.

The Board, on mature consideration of this whole matter, would recommend that a deduction of £30 should be made from the gratuity payable to the surgeon-superintendent, which, for this voyage, would otherwise have amounted to about £340, and that the matron should only receive the usual gratuity of £30, in lieu of the increased gratuity of £45, to which, as a matron making her fourth voyage, she would otherwise be entitled. At the same time the Board would notice that both the surgeon-superintendent and the matron, appear to have performed their several duties efficiently, and that each one therefore is recommended as entitled to receive the usual benefit of a return passage to England.

I have, &c.,

GEORGE F. WISE,
Agent for Immigration.The Under Secretary for Lands,
&c., &c., &c.*Department of Lands,
Sydney, 30 May, 1863.*

Sir,

In reference to your letter of the 22nd instant, reporting with respect to the arrival of the ship "Ironside," and the disposal of the immigrants by that vessel, I am directed to inform you that, as regards the infringement of the regulations by the matron having dined throughout the voyage at the cabin table, the Secretary for Lands thinks it will only be necessary to exact the fine in the case of the surgeon-superintendent, he being the superior officer, and the matron only appearing to have gained an advantage which he allowed her. She is however to be apprised of the opinion of the Board and of the provisions of the regulations on this head, and warned that, in future, no such lenient course will be taken, in the event of her neglecting to observe them.

2. I am to add, that in all other respects, Mr. Secretary Robertson approves of the recommendations of the Board being carried out.

I have, &c.,

MICHL. FITZPATRICK.

The Agent for Immigration.

*Government Immigration Office,
Sydney, 30 May, 1863.*

Sir,

Referring to the enquiry held at this Office by the Immigration Board, relative to the circumstances under which Miss Robertson, late matron on board the immigrant ship "Ironside," was permitted to take her meals at the cabin table, instead of in her own compartment, during the voyage, I beg to inform you, that the Honorable the Secretary for Lands, to whom the Board's report was submitted, has been pleased to direct that the sum of £30 be deducted from the amount of your gratuity, it being considered that as you were the superior officer on board, you should not have allowed such a breach of regulations, for the due carrying out of which you were primarily responsible.

I have, &c.,

GEORGE F. WISE,
Agent for Immigration.J. P. Chennell, Esq.,
late Surgeon-Superintendent, Immigrant ship "Ironside,"
&c., &c., &c.*Government Immigration Office,
Sydney, 25 June, 1863.*

Madam,

Referring to the enquiry held at this Office by the Immigration Board, relative to the circumstances under which you, when acting as matron on board the Immigrant ship "Ironside," were permitted to take your meals at the cabin table, instead of in your own compartment, I beg to inform you, that the Honorable the Secretary for Lands, to whom the Board's report was submitted, has directed that for such breach of the regulations, a fine should only be exacted from the surgeon-superintendent, he being the superior officer on board, and, therefore, primarily responsible.

2. The recommendation of the Board in your case, which would have caused a deduction of £15 in your gratuity for this voyage, will not therefore be carried out, but Mr. Secretary Robertson has instructed me to warn you, that in future no such lenient course will be taken in the event of your neglecting a strict observance of the Commissioners' regulations.

I have, &c.,

GEORGE F. WISE,
Agent for Immigration.Miss M. A. Robertson,
late Matron on board Immigrant ship "Ironside."
&c., &c., &c.

Sydney: Thomas Richards, Government Printer.—1863.

[Price, 6d.]

1863-4.

NEW SOUTH WALES.

IMMIGRATION.

REPORT OF THE IMMIGRATION AGENT

UPON

COLONIAL IMMIGRATION AND EMIGRATION,

FOR THE YEARS

1860, 1861, 1862.

Presented to both Houses of Parliament, by Command.

SYDNEY: THOMAS RICHARDS, GOVERNMENT PRINTER.

1864.

[Price, 1s. 4d.]

385—A

KEY TO APPENDICES.

ASSISTED IMMIGRATION.

	Reference to Pages for the Years		
	1860.	1861.	1862.
Returns A. Tables shewing the names of the Emigrant Ships, with all particulars respecting same, the number of Immigrants introduced, and the cost of their conveyance and superintendence	7	14	21
.. B. Tables shewing the Native Countries of the Assisted Immigrants	8	15	22
.. C. Tables shewing the Sex and Age of the Assisted Immigrants	8	15	22
.. D. Tables shewing the Religious Persuasions of the Assisted Immigrants	8	15	22
.. E. Tables shewing the Educational Attainments of the Assisted Immigrants	9	16	23
.. F. Tables shewing the state of Education as compared with the Religious Persuasions of the Assisted Immigrants	9	16	23
.. G. Tables shewing the Trades and Callings of the Adult males and unmarried Females, who arrived as Assisted Immigrants	10	17	24
.. H. Tables shewing the number of Immigrants introduced per Donegal Relief Fund	None	18	25
.. I. Tables shewing the disposal of the Assisted Immigrants, after their arrival in the Colony	11	18	25
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UNASSISTED IMMIGRATION AND EMIGRATION.

Returns M. Tables classifying the Unassisted Immigrants who arrived in New South Wales by sea (exclusive of Chinese)	12	19	28
.. N. Tables classifying the Emigrants who departed from New South Wales by sea	12	19	28
.. O. Tables shewing the number of Chinese who arrived in New South Wales by sea	12	19	28
.. P. Tables shewing the number of Chinese who departed from New South Wales by sea	13	20	29

MISCELLANEOUS.

Returns J. Table shewing the average rate of wages for different classes of labour in New South Wales, from 1851 to 1862, inclusive. Page 26.			
.. K. Table shewing the amount of Assisted and Unassisted Immigration from the United Kingdom, from 1838 to 1862, inclusive. Page 27.			
.. Q. Table shewing the number of Germans who arrived in New South Wales (1851 to 1862), introduced under the Foreign Immigration Regulations. Page 30.			

1863.

NEW SOUTH WALES.

REPORT.

AGENT FOR IMMIGRATION to UNDER SECRETARY FOR LANDS, *submitting Report on Immigration and Emigration for the Years 1860, 1861, and 1862.*

*Government Immigration Office,
Sydney, 30 September, 1863.*

SIR,

I have the honor, for the information of the Honorable the Minister for Lands, to report on the Immigration to and Emigration from this Colony, during the years 1860, 1861, and 1862.

2. Having received my appointment as Agent for Immigration so recently as the month of November, 1862, I am of course not able to report from personal knowledge of the matters stated, but I have satisfied myself of their correctness.

3. The annexed Tabular Returns will be found to contain much information on various matters of importance and interest connected with the subject of Immigration and Emigration during the above period.

4. The regulations of the 10th of August, 1857, and the notice of the 10th of September, 1857, together with the regulations relative to foreign immigration, dated the 22nd of August, 1859, having been cancelled on the 7th of June, 1860, immigration under the auspices of the Government was, for the remainder of that year, and for the whole of 1861, restricted to the arrival of persons for whose introduction certificates had previously been issued.

By the Regulations for Assisted Immigration, issued on the 21st of June, 1861, emigration from the United Kingdom to this Colony was revived, but no immigrants arrived under their authority until the commencement of 1862.

5. The number of individuals for whom passage certificates were issued in accordance with these latter regulations during the residue of the year 1861, was ... 2,216
during 1862 4,804

Total number of certificates issued from July 1st, 1861, to December 31st, 1862 7,020

This number of certificates may be taken to represent 5,476 immigrants actually arriving, as it has been found that nearly 22 per cent. of those for whom certificates are obtained do not avail themselves of them.

Deducting from this 5,476
the number who arrived in 1862, viz.... .. 2,631
there were left 2,845
who were due, and to be expected on and after the 31st of December, 1862.

2 REPORT FROM IMMIGRATION AGENT FOR 1860, 1861, & 1862.

Up to the present period of this year (September, 1863) the applications for passage certificates have greatly increased, shewing that the existing "Regulations" have met with the approval of those concerned.

6. The tables in the Appendix, respectively marked A, for the years 1860, 1861, and 1862, shew, in a comprehensive form, the principal details relative to immigration.

On referring to these returns, the following averages are obtained for the three years :—

Average tonnage of vessels, 1,136 tons, N.M.
„ number of days on the voyage, 101 days.
„ contract price per statute adult, £14 14s. 6d.
„ total cost of conveyance per statute adult, including gratuities paid to surgeons, matrons, ships' officers, &c., &c., &c., £16 0s. 4d.
„ deaths on the voyage, 0·85 per cent., or less than 1 per cent.

This very small rate of mortality on board Government emigrant ships is, to a great extent, due to the improved sanitary arrangements enforced by the Emigration Commissioners in vessels chartered by them, and to the appointment of experienced officers as Surgeons Superintendent.

Much is also owing to improvements in ventilation—to the introduction of articles in the dietary scale not previously used—and, above all, to the use of the apparatus for the distillation of fresh from salt water, with which every vessel is now supplied; thus always providing an abundance of excellent water.

It may here be mentioned, that the consumption of coal for Dr. Normandy's Patent Distilling Apparatus is found to be at the rate of about one pound of coal to each gallon of water distilled; and that the quantity of water distilled is generally from 200 to 250 gallons per day.

The Surgeons Superintendent have reported favourably of this apparatus, especially as having, in their opinion, the effect of lessening the number of cases of diarrhoea and dysentery, usually so prevalent in vessels where the ordinary ship's water is used.

7. The Tables marked B., C., D., shew the numbers of assisted immigrants who arrived during the three years, their native countries, ages and sexes, and religious persuasions.

For full details I beg to refer to these tables, which, I may observe, have been to a great extent made out from the statements of the immigrants themselves.

During the three years the number of immigrants who arrived was 7,293 ;—

Of whom, came from England	1,734	} 7,293.
„ „ Wales	48	
„ „ Ireland	4,918	
„ „ Scotland	564	
„ „ other Countries	29	
Of these there were, adults, male	3,315	} 7,293.
„ „ female	2,878	
Under twelve years of age, male	542	
„ „ female	558	

RELIGIOUS PERSUASION.

Church of England	2,056	} 7,293.
Roman Catholic	4,297	
Church of Scotland	631	
Wesleyans	161	
Other Protestants	143	
Jews	5	

REPORT FROM IMMIGRATION AGENT FOR 1860, 1861, & 1862. 3

8. The tables E. and F. shew the educational attainments of the immigrants to have been as follows:—

PERSONS OF 12 YEARS OLD, AND UPWARDS.	READ AND WRITE.	READ ONLY.	NEITHER READ NOR WRITE.
Church of England	1,219	213	166
Roman Catholic	1,898	758	1,216
Church of Scotland	415	65	20
Wesleyans	97	23	13
Other Protestants	72	9	6
Jews	1	.....	2
	3,702	1,068	1,423
		6,193	
Children under 12 years of age		1,100	
		7,293	

9. Assisted Immigration having, during the three years, consisted almost exclusively of individuals specially named in the Colony by the persons applying for certificates for their introduction, the large preponderance of Irish immigrants would seem to be referable only to the greater readiness of colonists from Ireland to send for, and contribute to the cost of bringing out their relatives and friends.

There has been nothing in the action of the Immigration Department here, or of the Emigration Commissioners in England, that I am aware of, to direct the stream of immigration from any one part of the British Islands in preference to another.

10. The Tables marked G. shew the trades and callings of the adult males, and the unmarried adult females, which, for the three years, are as follows:—

	Males.	Females.
Agricultural labourers	2,648	.....
Shepherds	21	.....
Domestic servants... ..	48	2,173
Mechanics engaged in erecting buildings	112	.....
Tradespeople engaged in the preparation of articles of food	39	2
Tradespeople engaged in the preparation of articles of clothing	61	115
Other callings not included under the above heads, which are detailed in the Tables marked G.	384	34
	<u>3,313</u>	<u>2,324</u>

11. Tables H, of 1861 and 1862, give the return of the immigrants introduced under the auspices of the Donegal Relief Fund; total, 316 souls. None arrived in 1860.

These immigrants were, by special permission from the Government, nominated in Ireland, the deposits on their account having been previously made in Sydney by the Committee of the Donegal Relief Fund.

12. Tables I. shew the disposal of the immigrants after their arrival in the Colony.

Immediately after the arrival of an immigrant ship the single women are landed, and received at the Government Depôt, from whence they are discharged, as applied for, to their friends. For those, however, who desire to go into service, a hiring day is appointed; only such persons being admitted to the hiring-room as are either well known to the Department, or who produce an introduction from a Clergyman or a Magistrate.

The families and single men have the option of either joining their friends, or of hiring from on board ship, where they are permitted to remain, if necessary, for some days after their arrival.

This

4 REPORT FROM IMMIGRATION AGENT FOR 1860, 1861, & 1862.

This return shews that, of the number of 7,293 individuals, who arrived during the three years of 1860, 1861, and 1862, the larger proportion left the ship on their own account, viz. :—

Families	...	...	...	...	515
Single men	...	...	...	...	2,394
Hired from on board ship—					
Families	...	...	...	...	39
Single men	...	...	...	...	233

And of the 2,093 single women received at the Depôt there were—

Delivered to their friends	...	...	...	1,581
Hired from the Depôt	...	...	...	512

A record is kept of all engagements made by the immigrants, whether hired from on board the ship or from the Depôt.

The engagements entered into by the 512 single women from the Depôt are thus classed, viz. :—

Total Numbers.	Engaged at average rate of wages.					
	In 1860.		In 1861.		In 1862.	
	£	s.	d.	£	s.	d.
10 cooks	23	13	0	24	10	0
9 laundresses	25	0	0	20	0	0
42 housemaids	20	9	0	16	13	0
53 nursemaids	19	15	0	14	7	0
398 general servants	20	12	0	16	12	0

512

It is worthy of note that, of the women so engaged as house servants, the greater number had never before been in service.

13. Table J. shews the average rates of wages current in the Colony during the period from 1851 to 1862, inclusive.

This return is obtained from the Registrar General's Statistical Report.

14. Table K. shews, in detail, the total assisted and unassisted immigration from the United Kingdom, during the twenty-five years, from 1838 to 1862, inclusive, and gives the following result :—

Assisted immigrants	...	...	...	132,268
Unassisted immigrants	...	...	...	34,479
Total in 25 years				166,747

15. Tables L. give the amount of deposits made for passage and outfits, during the several years of 1860, 1861, and 1862.

In consequence of the temporary cessation of immigration, deposits were not received between August, 1860, and July, 1861, when the system of Assisted Immigration was revived ; therefore the amounts shewn in the tables for 1860 and 1861 were respectively received during portions only of those years.

The sums total for the three years shew that during that period 9,894 individuals, equal to 9,010 statute adults, were sent for, on account of whose passages the sum of £40,117 was paid by depositors in this country. This gives an average deposit of £4 9s. per statute adult, which, if deducted from the average total cost of conveyance (see paragraph 5) of £16 0s. 4d., shews that the net cost to the Government of introducing immigrants, during these past three years, has been at the rate of £11 11s. 4d. per statute adult.

This calculation is irrespective of the sundry expenses incurred for and on account of the emigrants, previous to embarkation ; also, irrespective of the proportion of expense borne by the Colony, for the support of the Emigration Commissioner's Establishment in London.

Although

REPORT FROM IMMIGRATION AGENT FOR 1860, 1861, & 1862. 5

Although I am not in possession of sufficient data, to determine the correct amount of these expenses, I have so far ascertained them, as to be able to state, that for the period now reported on, 35s. per head will fully cover these several charges.

I hope that in my reports for future years I shall be able to give more exact particulars upon these items of expenditure.

16. Tables M. and N., which have been furnished to me by the Collector of Customs, give the total arrivals and departures *by sea*, for the three years.

Comparing these returns with those shewing the Assisted Immigration, the following results are obtained for the three years :—

Assisted Immigrants, from the United Kingdom only	...	...	7,293
Arrivals (exclusive of the above), <i>by sea</i> , from all Countries	...	...	33,802
		Total	41,095
Departures <i>by sea</i>	...	...	30,465
Increase, exclusive of Chinese	...	...	10,630

17. By the two following tables marked O. and P., for which also I am indebted to the Collector of Customs, the immigration and emigration of Chinese is given in each year, from which it appears, that during the three years, the number of Chinese who arrived at their own expense in Sydney, *by sea*, was... 10,562 and who departed *by sea*, was ... 3,284

Balance in favour of Chinese immigration	7,278
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It may be considered not out of place to state, that on referring to the two preceding years of 1858 and 1859, it will be found, that in those two years, there was an excess of Chinese immigration of ... 12,710 making with that of 1860, 1861, and 1862... 7,278

a total excess of Chinese immigration over emigration, during the last five years of 19,988

Amongst the whole of the Chinese who arrived in these years, numbering 24,942, there were only two females.

18. Table Q. shews the number of Germans who arrived in this Colony, from the years 1851 to 1862, inclusive, introduced under the Foreign Immigration Regulations.

19. In concluding this report I would beg leave to make a few remarks on the subject of the management of the immigrants, during their voyage to the Colony.

20. The recommendation made by the Emigration Commissioners in England, in 1858, and acceded to by the Government of this Colony, that the remuneration to the Surgeons-Superintendent should be gradually increased from 10s. per head, for the first voyage, in charge of emigrants, up to 20s. per head for the eleventh and subsequent voyages; and an allowance of £60, for a return passage to England, has been found to work well, offering, as it does, great inducements to gentlemen of the medical profession, to continue for several years in the service; and the experience thus gained by them is found to be of the greatest value in promoting the general welfare of the passengers in subsequent voyages.

21. The establishment of permanent matrons to Emigrant Vessels has also proved a successful measure. In former years one of the female emigrants was appointed to superintend and watch over the single females, during the voyage. The matrons are now placed on a permanent staff, receiving a gratuity of £30 for the first voyage, with an increase for each subsequent voyage, of £5, up to the maximum of £50; together with an allowance of £30, to defray the cost of a return passage to England.

Each matron, on leaving England, is supplied with a work-bag of materials for the use of the emigrants. These materials are given to the women, providing for them a constant source of employment, and preventing the moral evils which might otherwise arise from idleness during so long a voyage. The work so obtained, remains in charge of the matron, and on arrival in Sydney, the articles made by the women are handed over to them, under the direction of the Immigration Board, if they have conducted themselves well during the voyage.

22. It is, I think, well worthy of consideration, whether it would not be of advantage to hold out some special inducement to really competent individuals, to offer themselves as permanent schoolmasters for the adult males, as well as for children, on board emigrant vessels, in preference to the nomination, as at present, of some one individual who may chance to be amongst the passengers, and whose capabilities for such an occupation are probably but little known?

A schoolmaster, if properly selected, might not only impart valuable instruction, and create a desire for learning, but would be able very materially to guide and influence both adults and children, and by affording them occupation and amusement, might do much to promote their health and happiness during the voyage.

The remuneration at present given to those casually employed for this purpose, consists only of a gratuity of from £5 to £10.

The suggested arrangement would of course entail a considerably larger expense; but I am strongly impressed with the conviction, that the extra cost would be amply repaid by the advantages it would confer.

I have, &c.,

GEORGE F. WISE,
Agent for Immigration.

B.

RETURN shewing the Native Countries of the Assisted Immigrants who arrived from the United Kingdom during the Year 1860.

ENGLAND.				WALES.	IRELAND.				SCOTLAND.		OTHER COUNTRIES.
Northern Counties.	Southern Counties.	Midland Counties.	Eastern Counties.		Ulster.	Leinster.	Con-naught.	Munster.	Northern Counties.	Southern Counties.	
182	263	227	281	13	370	302	149	959	111	200	16
				England	..	..	..	..	953		
				Wales	..	..	..	..	13		
				Ireland	..	..	..	..	1,780		
				Scotland	..	..	..	..	311		
				Other Countries	..	..	..	..	16		
				TOTAL	..	..	..	..	3,073		

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

C.

RETURN shewing the Ages of the Assisted Immigrants from the United Kingdom, who arrived during the Year 1860.

NATIVE COUNTRY.	CLASSIFICATION OF AGES.																GRAND TOTAL.
	Under 1 year.		1 and under 4 years.		4 and under 7 years.		7 and under 12 years.		12 and under 21 years.		21 and under 40 years.		40 years and upwards.		Total.		
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
England and Wales	9	10	42	39	28	30	39	50	82	124	219	243	23	28	442	524	966
Ireland	14	13	30	23	19	10	28	28	292	323	593	352	26	29	1,002	778	1,780
Scotland	4	8	11	14	4	8	7	17	34	25	67	95	7	10	134	177	311
Other Countries	1	..	1	2	1	2	3	1	1	..	3	1	..	..	10	6	16
TOTAL	28	31	84	78	52	50	77	96	409	472	882	691	56	67	1,588	1,485	3,073

Under 12 years of Age ... { Males 241
 ... { Females 255
 Statute Adults { Males 1,347
 { Females 1,230
 Total 3,073

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

D.

RETURN shewing the Religious Persuasions of the Assisted Immigrants from the United Kingdom, who arrived during the Year 1860.

NATIVE COUNTRY.	CLASSIFICATION OF RELIGION.																GRAND TOTAL.		
	Church of England.		Roman Catholics.		Church of Scotland.		Wesleyans.		Other Protestants.		Jews.		Mahomedans and Pagans.		Other Persuasions.			TOTAL.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.
England and Wales	335	398	29	30	1	4	49	49	28	43	..	..	..	..	..	..	442	524	966
Ireland	134	103	836	642	29	26	3	7	..	..	..	..	..	..	..	..	1,002	778	1,780
Scotland	7	9	8	11	118	154	..	..	1	3	..	..	..	..	..	..	134	177	311
Other Countries	2	2	4	1	3	1	..	1	1	1	..	..	..	..	..	..	10	6	16
TOTAL	478	512	877	684	151	185	52	57	30	47	..	..	..	..	..	..	1,588	1,485	*3,073

* Protestants 1,512
 Roman Catholics 1,561
 Other Religions
 Total 3,073

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

E.

RETURN shewing the Educational Attainments of the Assisted Immigrants from the United Kingdom, who arrived during the Year 1860.

COUNTRIES.	CLASSIFICATION OF EDUCATION.																		GRAND TOTAL.
	Under 4 years.			4 and under 7 years.			7 and under 12 years.			12 and under 21 years.			21 years and upwards.			Total.			
	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	
England and Wales..	100	..	..	44	11	3	13	32	44	21	18	167	54	58	401	232	119	615	966
Ireland	80	..	..	27	2	..	25	18	13	143	125	347	277	210	513	552	355	873	1,780
Scotland	36	1	..	8	4	..	2	12	10	..	7	52	6	26	147	52	50	209	311
Other Countries ..	4	..	..	2	1	..	..	1	3	..	..	1	..	1	3	6	3	7	16
TOTALS..	220	1	..	81	18	3	40	63	70	164	150	567	337	295	1,064	842	527	1,704	3,073*

	Under 12 years.	Statute Adults.	Total.
* Cannot read	341	501	842
Read only	82	445	527
Read and write... .. .	73	1,631	1,704
Total... .. .	..	..	3,073

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

F.

RETURN shewing the state of Education as compared with the Religious Persuasions of the Assisted Immigrants who arrived during the Year 1860.

STATE OF EDUCATION.	RELIGIOUS PERSUASIONS.								GRAND TOTAL.
	Members of the Church of England.	Roman Catholics.	Presbyterians.	Wesleyans	Other Protestants.	Other Persuasions.	Total Souls.	Children not included in the foregoing Columns.	
Adults who can read and write ..	624	676	227	64	38	....	1,629	496	....
Adults who can read only	95	290	35	11	2	....	433		
Adults who can neither read nor write.	73	422	7	11	2	....	515		
TOTALS..	792	1,388	269	86	42	....	2,577	496	3,073

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

H.

RETURN shewing the Number of Immigrants introduced per Donegal Relief Fund.

None introduced during 1860.

GEORGE F. WISE,
Agent for Immigration.

I.

RETURN shewing the Disposal of the Immigrants from the United Kingdom, who arrived during the Year 1860.

NAME OF SHIP.	LEFT THE SHIP ON THEIR OWN ACCOUNT.		HIRED FROM THE SHIP.		FEMALES RECEIVED AT THE DEPÔT, SYDNEY.	
	Families.	Single Males (not being Members of Families.)	Families.	Single Males (not being Members of Families.)	Discharged to Depositors or Relatives.	Single Females Hired from Depôt.
Alfred	1	145	3	18	55	19
Fitz James	46	114	8	7	37	33
Derigo	47	114	7	7	61	35
Hannah More	36	122	..	..	57	17
Chance	27	117	1	7	58	25
Tudor	32	112	3	17	98	39
Telegraph	23	118	4	14	98	38
Lady M'Donald	17	106	..	1	74	20
TOTALS	229	948	26	71	538	226

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

J.

RETURN shewing the Average Rate of Wages, from 1851 to 1862, inclusive.

See Return J. 1862.

GEORGE F. WISE,
Agent for Immigration.

K.

RETURN shewing the Amount of Assisted and Unassisted Immigration, from 1838 to 1862, inclusive.

See Return K., 1862.

GEORGE F. WISE,
Agent for Immigration.

L.

RETURN shewing the Number of Individuals for whose Passages and Outfits deposits were made under the Immigration Remittance Regulations, in the year 1860, with the amount received under each head.

YEAR.	Number of Individuals.	Amount paid towards Passage.	Amount paid for Outfit.	TOTAL.
		£ s. d.	£ s. d.	£ s. d.
1860	2,347	9,352 0 0	848 19 0	10,200 19 0

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

M.

RETURN shewing the Number of Unassisted Immigrants who arrived in the Colony of New South Wales by sea, during the Year 1860 (exclusive of Government Immigrants and Chinese.)

	ADULTS.		CHILDREN.		TOTAL.
	Male.	Female.	Male.	Female.	
From the United Kingdom	680	298	86	56	1,120
.. neighbouring Colonies	8,487	1,664	539	371	11,061
.. Foreign Ports	576	153	49	41	819
TOTALS	9,743	2,115	674	468	13,000

W. A. DUNCAN,
Collector of Customs.

N.

RETURN shewing the Number of Cabin and Steerage Passengers who departed from New South Wales, by sea, during the Year 1860 (exclusive of Chinese.)

PORT OF DEPARTURE.	TO THE UNITED KINGDOM.				TOTAL.	TO THE NEIGHBOURING COLONIES, INCLUDING NEW ZEALAND.				TOTAL.	TO FOREIGN PORTS.				TOTAL.	GRAND TOTAL.	
	Adults.		Children.			Adults.		Children.			Adults.		Children.			M.	F.
	M.	F.	M.	F.		M.	F.	M.	F.		M.	F.					
Sydney	289	193	78	66	626	1,920	713	220	170	3,023	655	226	78	55	1,014	3240	1423
Newcastle .. ..	..	..	..	..	..	61	25	5	5	96	6	1	..	..	7	72	31
Twofold Bay .. ..	..	..	..	..	..	948	16	10	9	983	..	..	..	..	..	958	25
TOTALS	289	193	78	66	626	2,929	754	235	184	4,102	661	227	78	55	1,021	5,749	

W. A. DUNCAN,
Collector of Customs.

O.

RETURN shewing the Number of Chinese Immigrants who arrived in the Colony of New South Wales by sea, during the Year 1860.

SHIPS.	TONNAGE.	WHENCE FROM.	DATE OF ARRIVAL.	NUMBER OF DAYS ON PASSAGE.	NUMBER OF IMMIGRANTS.	
					Male.	Female.
Oithowa	766	Hong Kong	15 January	73	152	.. ..
Cyclone	536	Do.	24 January	53	333	.. ..
Europa	900	Do.	5 February	66	507	.. ..
Castillian	1,064	Do.	16 February	47	592	.. ..
Benjamin Howard	721	Do.	27 February	60	304	.. ..
Beatrice Rogers	777	Do.	5 March	83	402	.. ..
Alfred the Great	649	Do.	31 March	50	302	.. ..
Eagle	1,102	Do.	25 April	87	500	.. ..
Helios	690	Do.	2 May	62	421	.. ..
Francis P. Sage	1,140	Do.	2 May	77	736	.. ..
Justyn	856	Do.	8 May	63	321	.. ..
Continent	1,088	Do.	11 May	63	563	.. ..
Minnehaha	1,835	Do.	19 May	60	980	.. ..
Agenta	403	Do.	19 July	73	200	.. ..
Petronella	670	Do.	6 August	95	340	.. ..
Fides	680	Do.	25 August	103	305	.. ..
TOTALS					6,958	.. ..

W. A. DUNCAN,
Collector of Customs.

P.

RETURN shewing the Number of Chinese who departed from New South Wales, by sea, during the Year 1860.

SHIP.	TONNAGE.	WHITHER BOUND.	DATE OF DEPARTURE.	NUMBER OF IMMIGRANTS.	
				Male.	Female.
Virginie	709	Hong Kong	11 January	99	....
Oithowa	766	Melbourne	1 February	49	....
Scotia	136	Do.	22 February	2	....
Europa	919	Do.	23 February	17	....
Cyclone	595	Hong Kong	8 March	120	....
Pammela	671	Do.	13 March	5	....
Beatrice	878	Melbourne	15 March	21	....
North Wind	911	Hong Kong	21 March	20	....
Gertrude	117	South Sea Islands	17 April	2	....
Wanderer	140	Melbourne	23 April	1	....
Eagle	1,102	Do.	1 May	25	....
Annie Bowen	723	Hong Kong	2 May	40	....
Uncle Tom	166	Port Curtis	5 May	2	....
Fortune	160	Melbourne	11 June	2	....
Francis P. Sage	1,147	Hong Kong	27 June	115	....
Munnichaha	1,835	Do.	20 July	20	....
Viscount Sandon	540	Do.	21 June	1	....
Robert and Betsey	140	Melbourne	8 July	1	....
Petronella	670	Hong Kong	11 September	134	....
Dawstone	497	Do.	4 October	98	....
Behar	1,096	Point de Galle	22 October	2	....
Constantine	609	Hong Kong	24 October	74	....
Caroline	393	Do.	22 November	107	....
Alt Mecklinberg	550	Do.	6 December	99	....
Governor General	502	Do.	29 December	42	....
			TOTAL	1,098	....

W. A. DUNCAN,
Collector of Customs.

1861.

A.

RETURN of Assisted Immigration from the United Kingdom to New South Wales, during the Year 1861.

SHIPS.						IMMIGRANTS.																		EXPENDITURE.																			
NAME OF VESSEL.	TONNAGE.		Date of Departure.	Date of Arrival.	Number of Days on the Voyage.	Name of Master.	Name of Surgeon.	DEATHS.																		NUMBER LANDED.					Contract Price per Statute Adult.	Total Passage Money at the contract rates, including half price for all above 1 year who died on the voyage.	Amount of Gratuities to Surgeons, Officers, Constables, &c.	Number of Days detained on Demurrage.	Cost of Victualling, &c., &c., incidental to detention of Ships in Quarantine and on Demurrage.	Total Cost of Conveyance, Superintendence, &c., &c.							
	Old Measurement.	New Measurement.						On the Voyage.									In Quarantine.									Above 12 years.			Under 12 years.								Total Souls.	Statute Adults.					
								Births on the Voyage.			Above 12 years.			7 and under 12 years.			1 and under 7 years.			Above 12 years.			7 and under 12 years.			1 and under 7 years.			M.	F.									Total.				
								M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.	M.	F.	Total.																		
British Trident.....	1340	1340	1860. 10 Oct.	1861. 9 Jan.	89	T. Boyce	Thos. Slater	1	5	6	2	2	2	2	3	3	1	2	8	10	10	204	166	20	40	430	388½	15	6	3	5,983	7	2	519	0	0	14	5	2	6,502	7	2	
Hoteapur.....	1670	1670	3 Dec.	24 Feb.	83	B. Stacey	D. B. North	1	1	2	2	2	4	3	3	1	1	8	10	10	204	162	40	26	432	460	15	9	11	6,155	14	4	532	0	0	14	5	2	6,701	19	6		
Queen Bee.....	752	726	20 Dec.	31 Mar.	93	T. Grinder	J. P. Hill														170	96	15	16	297	278½	15	17	6	4,421	3	9	361	6	0				4,782	9	9		
Nile.....	716	716	1861. 29 Jan.	14 May	105	F. W. Varley	Wm. Holman														128	118	16	10	272	257½	16	12	6	4,280	18	9	329	8	0				4,610	6	9		
John Masterman.....	608	608	28 Mar.	2 Aug.	127	J. Westgarth	J. P. Morton														49	2	1	1	53	51½	17	19	6	925	14	3	2	0	0				927	14	3		
Sovereign of the Seas.....	1226	1226	7 May	1 Sept.	96	J. Cruickshank	M. M'Gregor														37	50	7	6	100	95½	18	0	0	1,719	0	0	35	0	0				1,754	0	0		
Stornaway.....	...	...	12 July	17 Oct.	97	J. D. Philip	.....														5	...	...	...	5	5	18	0	0	90	0	0	.....	.....	.....	90	0	0			
TOTALS.....	1	6	7	2	2	4	6	6	1	3	16	20	20	797	594	99	99	1589*	1476½	23,575	18	3	1,778	14	0	14	5	2	25,368	17	5
AVERAGES.....	1047	1047	98½	15	19	4	17	3	7			

* Introduced under the Assisted Immigration Regulations 1,589
 Number of Unassisted Immigrants (See Return K) 910
 Total Immigrants from the United Kingdom 2,499

Government Immigration Office,
 Sydney, 30 September, 1863.

GEORGE F. WISE,
 Agent for Immigration.

APPENDIX TO REPORT FROM IMMIGRATION AGENT—1861.

15

B.

RETURN shewing the Native Countries of the Assisted Immigrants, who arrived from the United Kingdom during the Year 1861.

ENGLAND.				WALES.	IRELAND.				SCOTLAND.		OTHER COUNTRIES.
Northern Counties.	Southern Counties.	Midland Counties.	Eastern Counties.		Ulster.	Leinster.	Con-naught.	Munster.	Northern Counties.	Southern Counties.	
106	46	48	52	7	493	185	96	517	51	35	2
England 252 Wales 7 Ireland 1,240 Scotland 88 Other Countries 2 <hr/> Total 1,589											

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

C.

RETURN shewing the Ages of the Assisted Immigrants from the United Kingdom, who arrived during the Year 1861.

COUNTRIES.	CLASSIFICATION OF AGES.																GRAND TOTAL.	
	Under 1 year.		1 and under 4 years.		4 and under 7 years.		7 and under 12 years.		12 and under 21 years.		21 and under 40 years.		40 years and upwards.		Total.			
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		
England and Wales	6	2	16	12	9	10	11	20	30	30	43	52	5	13	120	139	259	
Ireland	9	4	8	13	12	6	19	17	241	247	421	214	16	13	726	514		1,240
Scotland	2	..	5	1	2	4	3	3	12	11	24	20	..	1	48	40		88
Other Countries .. ..	..	..	..	..	..	..	..	..	..	..	1	1	..	..	1	1		2
TOTALS	17	6	29	26	23	20	33	40	233	288	459	287	21	27	895	694	*1,589	

* NOTE.—Under 12 years of age { Males ... 102
Females ... 92

Statute Adults... { Males ... 793
Females ... 602

Total... .. 1,589

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

D.

RETURN shewing the Religious Persuasions of the Assisted Immigrants from the United Kingdom, who arrived during the Year 1861.

COUNTRIES.	CLASSIFICATION OF RELIGION.																GRAND TOTAL.			
	Church of England.		Roman Catholics.		Church of Scotland.		Wesleyans.		Other Protestants.		Jews.		Mahomedans and Pagans.		Other Persuasions.			Total.		
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.	
England and Wales	88	98	7	10	..	..	11	19	14	12	..	..	..	..	..	..	120	139	259
Ireland	100	54	611	443	13	10	..	3	2	4	726	514		1,240
Scotland	4	2	1	..	40	33	..	2	3	3	48	40		88
Other Countries.. ..	1	1	1	1		2
TOTALS	193	155	619	453	53	43	11	24	19	19	..	..	..	..	..	..	895	694	*1,589

* Protestants 517
Roman Catholics 1,072
Other Persuasions

Total 1,589

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

E.

RETURN shewing the Educational Attainments of the Assisted Immigrants from the United Kingdom, who arrived during the Year 1861.

NATIVE COUNTRY.	CLASSIFICATION OF EDUCATION.																		GRAND TOTAL.
	Under 4 years.			4 and under 7 years.			7 and under 12 years.			12 and under 21 years.			21 years and upwards.			Total.			
	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	
England and Wales ..	31	2	..	15	4	1	5	14	13	6	3	46	18	22	79	75	45	139	259
Ireland	37	..	..	14	3	..	11	18	6	140	103	251	204	94	359	406	218	616	1,240
Scotland	9	..	..	3	1	..	4	3	..	2	..	20	7	5	34	25	9	54	88
Other Countries ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..	..	2	2
TOTALS	77	2	..	32	8	1	20	35	19	148	106	317	229	121	474	506	272	811	*1,589

*NOTE :—

	Under 12 years.	Statute Adults.	Total.
Cannot read	129	377	506
Read only	45	227	272
Read and write	20	791	811
Total	194	1,395	1,589

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

F.

RETURN shewing the state of Education as compared with the Religious Persuasions of the Assisted Immigrants who arrived during the Year 1861.

STATE OF EDUCATION.	RELIGIOUS PERSUASIONS.								GRAND TOTAL.
	Members of the Church of England.	Roman Catholics.	Presbyterians.	Wesleyans.	Other Protestants.	Other Persuasions.	Total Souls.	Children (not included in the foregoing Columns.)	
Adults who can read and write ..	181	485	65	25	19	....	775	194	1,589
Adults who can read only	52	176	10	3	3	....	244		
Adults who can neither read nor write	26	336	11	....	3	....	376		
TOTALS	259	997	86	28	25	....	1,395	194	1,589

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

H.

RETURN shewing the Number of Immigrants introduced under the auspices of the Committee of Subscribers to the Donegal Relief Fund, during the Year 1861.

SHIP.	MARRIED.		SINGLE.		CHILDREN.				TOTAL.		GRAND TOTAL.
	Male.	Female.	Male.	Female.	Male.		Female.		Male.	Female.	
					1 to 12.	Under 1.	1 to 12.	Under 1.			
Nile	8	8	76	70	2	....	2	....	86	80	166

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

I.

RETURN shewing the Disposal of the Immigrants from the United Kingdom, who arrived during the Year 1861.

NAME OF SHIP.	LEFT THE SHIP ON THEIR OWN ACCOUNT.		HIRED FROM THE SHIP.		FEMALES RECEIVED AT THE DEPÔT, SYDNEY.	
	Families.	Single Males (not being Members of Families.)	Families.	Single Males (not being Members of Families.)	Discharged to Depositors or Relatives.	Single Females Hired from Depôt.
British Trident ..	37	146	5	11	112	9
Hotspur	32	164	1	9	124	10
Queen Bee	14	141	....	5	68	7
Nile	13	51	4	25	22	68
John Masterman ..	2	32	....	....	13	2
Sovereign of the Seas	4	31	....	3	33	7
Stornaway .. ..	....	5	....	....	....	....
TOTALS	102	570	10	53	372	103

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

J.

RETURN shewing the Average Rate of Wages from 1851 to 1862, inclusive.

See Return J., 1862.

GEORGE F. WISE,
Agent for Immigration.

K.

RETURN shewing the Amount of Assisted and Unassisted Immigration from 1838 to 1862, inclusive.

See Return K., 1862.

GEORGE F. WISE,
Agent for Immigration.

APPENDIX TO REPORT FROM IMMIGRATION AGENT—1861.

19

L.

RETURN shewing the Number of Individuals for whose Passages and Outfits deposits were made under the Assisted Immigration Regulations issued 21 June, 1861, being from 1st July to 31st December, inclusive, with the Amount received under each head.

YEAR.	Number of Individuals.	Amount paid towards Passages.	Amount paid for Outfit.	TOTAL.
1861.		£ s. d.	£ s. d.	£ s. d.
Previous to 30 June	Nil.	Nil.	Nil.	Nil.
Subsequent to 1 July	2,743	11,308 0 0	835 0 0	12,143 0 0

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

M.

RETURN of the Number of Cabin and Steerage Passengers who arrived in the Colony of New South Wales, by Sea, during the Year 1861 (exclusive of Government Immigrants and Chinese.)

PORT OF ARRIVAL.	FROM UNITED KINGDOM.				TOTAL.	FROM NEIGHBOURING COLONIES, INCLUDING NEW ZEALAND.				TOTAL.	FROM FOREIGN PARTS.				TOTAL.	GRAND TOTAL.	
	Adults.		Children.			Adults.		Children.			Adults.		Children.			M.	F.
	M.	F.	M.	F.		M.	F.	M.	F.		M.	F.	M.	F.		M.	F.
Sydney	483	276	92	59	910	5,328	1,407	374	287	7,396	390	114	42	31	577	6709	2174
Newcastle ..	..	..	..	..	..	190	69	8	7	274	..	..	..	..	..	198	76
Grafton.....	..	..	..	..	..	2	..	..	..	2	..	..	..	..	..	2	..
Twofold Bay..	..	..	..	..	..	74	19	..	6	99	..	..	..	..	..	80	19
TOTALS ..	483	276	92	59	910	5,594	1,495	382	300	7,771	390	114	42	31	577	9,258	

W. A. DUNCAN,
Collector of Customs.

N.

RETURN shewing the Number of Cabin and Steerage Passengers who departed from New South Wales, by Sea, during the Year 1861 (exclusive of Chinese.)

PORT OF DEPARTURE.	TO THE UNITED KINGDOM.				TOTAL.	TO THE NEIGHBOURING COLONIES, INCLUDING NEW ZEALAND.				TOTAL.	TO FOREIGN PARTS.				TOTAL.	GRAND TOTAL.	
	Adults.		Children.			Adults.		Children.			Adults.		Children.			M.	F.
	M.	F.	M.	F.		M.	F.	M.	F.		M.	F.	M.	F.		M.	F.
Sydney	386	254	126	135	901	6,251	1,621	438	377	8,687	539	171	46	32	788	7786	2590
Newcastle ..	..	..	..	..	..	118	41	4	5	168	..	..	..	..	..	122	46
Grafton ....	..	..	..	..	..	3	..	..	..	3	..	..	..	..	..	3	..
Twofold Bay..	..	..	..	..	..	197	7	1	3	208	..	..	..	..	..	198	10
TOTALS ..	386	254	126	135	901	6,569	1,669	443	385	9,066	539	171	46	32	788	10,755	

W. A. DUNCAN,
Collector of Customs.

O.

RETURN shewing the Number of Chinese Immigrants who arrived in the Colony of New South Wales, by Sea, during the Year 1861.

SHIP.	TONNAGE.	WHERE FROM.	DATE OF ARRIVAL.	NUMBER OF DAYS ON THE PASSAGE.	NUMBER OF IMMIGRANTS.		
					Male.	Female.	
1861.							
Jupiter	488	Hong Kong	26 February	60	181	....
White Star	2,340	Do.	16 June	67	1,133	....
Arabia	999	Do.	17 June	77	401	....
Marion Moore	1,036	Do.	22 July	89	424	....
New Great Britain	571	Do.	1 September	110	285	....
Stately	496	Do.	13 October	117	200	....
TOTAL	2,574

W. A. DUNCAN,
Collector of Customs.

P.

RETURN shewing the Number of Chinese who departed, by Sea, from New South Wales, during the Year 1861.

SHIP.	TONNAGE.	WHITHER BOUND.	DATE OF DEPARTURE.	NUMBER OF EMIGRANTS.		
				Male.	Female.	
1861.						
Osnabruck	439	Hong Kong	12 January	64	....
Alarm	195	Melbourne	23 January	1	....
Jupiter	499	Do.	8 March	21	....
British Trident	1,400	Do.	9 March	8	....
Antagonist	287	Hong Kong	16 March	81	....
Raven	712	Do.	15 April	174	....
Spray	103	Do.	23 April	1	....
Cyclone	595	Do.	20 April	122	....
Arabia	998	Do.	25 April	12	....
Marion Moore	1,037	Melbourne	1 August	25	....
Morning Star	562	Hong Kong	20 August	61	....
New Great Britain	571	Melbourne	11 September	17	....
London	406	Hong Kong	13 September	58	....
Revenne	546	Do.	20 September	154	....
Tropic	512	Hong Kong	14 November	99	....
Saviston	698	Do.	19 November	161	....
Renown	1,025	San Francisco	10 December	1	....
Esmeralda	360	Hong Kong	14 December	8	....
TOTAL					1,068

W. A. DUNCAN,
Collector of Customs.

B.

RETURN shewing the Native Countries of the Assisted Immigrants who arrived from the United Kingdom during the Year 1862.

ENGLAND.				WALES.	IRELAND.				SCOTLAND.		OTHER COUNTRIES.
Northern Counties.	Southern Counties.	Midland Counties.	Eastern Counties.		Ulster.	Leinster.	Con-naught.	Munster	Northern Counties.	Southern Counties.	
133	611	157	123	28	596	249	162	891	62	103	11
				England .. .. .	..	..	..	..	529		
				Wales .. .. .	..	..	..	..	28		
				Ireland .. .. .	..	..	..	..	1,898		
				Scotland .. .. .	..	..	..	..	165		
				Other Countries .. .. .	..	..	..	..	11		
				TOTAL .. .. .	..	..	..	..	2,631		

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

C.

RETURN shewing the Ages of the Assisted Immigrants from the United Kingdom, who arrived during the Year 1862.

NATIVE COUNTRY.	CLASSIFICATION OF AGES.																GRAND TOTAL.
	Under 1 year.		1 and under 4 years.		4 and under 7 years.		7 and under 12 years.		12 and under 21 years.		21 and under 40 years.		40 years and upwards.		TOTAL.		
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
England and Wales	9	17	33	23	19	20	32	37	65	64	121	104	14	19	291	266	557
Ireland	17	20	22	22	15	19	28	26	300	406	602	369	18	34	996	902	1,898
Scotland	3	4	6	11	6	5	8	4	18	19	31	40	4	6	79	86	165
Other Countries .. .. .	..	..	..	..	..	1	1	2	2	2	..	3	..	..	3	8	11
TOTAL	29	41	61	56	40	45	69	69	385	471	754	516	36	59	1,374	1,257	2,631

NOTE.—Under 12 Years of Age... { Males 199
 { Females 211
 Statute Adults { Males 1,175
 { Females 1,046
 TOTAL 2,631

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

D.

RETURN shewing the Religious Persuasions of the Assisted Immigrants from the United Kingdom, who arrived during the Year 1862.

NATIVE COUNTRY.	CLASSIFICATION OF RELIGION.																GRAND TOTAL.		
	Church of England.		Roman Catholics.		Church of Scotland.		Wesleyans.		Other Protestants.		Jews.		Mahomedans and Pagans.		Other Persuasions.			TOTAL.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.
England and Wales	258	211	17	23	4	2	8	8	10	15	..	1	..	..	..	..	291	266	557
Ireland	134	103	838	66	24	31	..	1	1	..	..	..	..	..	..	..	996	902	1,898
Scotland	3	3	7	12	63	70	..	..	..	1	..	..	..	..	..	..	79	86	165
Other Countries	4	4	1	..	..	..	..	..	..	1	..	4	..	..	..	..	3	8	11
TOTAL	397	321	863	801	96	103	8	9	11	17	..	5	..	..	..	..	1,369	1,262	2,631

* Protestants 962
 Roman Catholics 1,664
 Other Religions 5
 TOTAL 2,631

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

E.

RETURN shewing the Educational Attainments of the Assisted Immigrants from the United Kingdom who arrived during the Year 1862.

NATIVE COUNTRY.	CLASSIFICATION OF EDUCATION.																		GRAND TOTAL.
	Under 4 years.			4 and under 7 years.			7 and under 12 years.			12 and under 21 years.			21 years and upwards.			Total.			
	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	Cannot read.	Read only.	Read and write.	
England and Wales..	82	1	..	24	12	2	18	16	35	13	13	83	44	41	173	180	84	293	557
Ireland	78	..	..	30	2	2	28	17	12	213	152	341	271	175	577	622	345	931	1,893
Scotland	24	..	..	8	2	1	2	4	6	..	3	34	2	12	67	35	21	109	165
Other Countries .. ..	..	..	..	1	..	..	1	1	1	1	..	2	1	..	3	4	1	6	11
TOTALS ..	184	1	..	63	16	5	49	38	54	227	168	460	318	228	820	841	451	1,339	2,631

NOTE:—

	Under 12 years.	Statute Adults.	Total.
Cannot read	296	545	841
Read only	55	396	451
Read and write	59	1,280	1,339
Total	410	2,221	2,631

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

F.

RETURN shewing the state of Education as compared with the Religious Persuasions of the Assisted Immigrants who arrived during the Year 1862.

STATE OF EDUCATION.	RELIGIOUS PERSUASIONS.								GRAND TOTAL.
	Members of the Church of England.	Roman Catholic.	Presbyterians.	Wesleyans	Other Protestants.	Other Persuasions.	Total Souls.	Children (not included in the foregoing Columns.)	
Adults who can read and write ..	414	719	123	8	15	1	1,280	410	....
Adults who can read only	66	297	20	9	4	....	396		
Adults who can neither read nor write.	67	471	2	2	1	2	545		
TOTALS ..	547	1,487	145	19	20	3	2,221	410	2,631

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

H.

RETURN shewing the Number of Immigrants introduced under the auspices of the Committee of Subscribers to the Donegal Relief Fund, during the Year 1862.

SHIP.	MARRIED.		SINGLE.		CHILDREN.				TOTAL.		GRAND TOTAL.
	Male.	Female.	Male.	Female.	Male.		Female.		Male.	Female.	
					1 to 12.	Under 1.	1 to 12.	Under 1.			
Abyssinian.. ..	4	4	71	67	2	1	..	1	77	73	150

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

I.

RETURN shewing the Disposal of the Immigrants from the United Kingdom, who arrived during the Year 1862.

NAME OF SHIP.	LEFT THE SHIP ON THEIR OWN ACCOUNT.		HIRED FROM THE SHIP.		FEMALES RECEIVED AT THE DEPÔT, SYDNEY.	
	Families.	Single Males (not being Members of Families.)	Families.	Single Males (not being Members of Families.)	Discharged to Depositors or Relatives.	Single Females Hired from Depôt.
Eveline	1	8	....	.....	.....	4
Annie Wilson ..	43	121	1	6	117	4
Abyssinian	22	105	1	60	84	62
Lady Milton	23	98	....	11	107	23
Hotspur	21	175	....	7	119	32
Ocean Empress ..	20	114	1	17	95	13
Northumberland ..	18	103	....	3	86	20
Eastern Empire ..	35	152	....	5	63	25
Donald M'Kay ..	1	.....	....	.....	.....	.....
TOTALS ..	184	876	3	109	671	183

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

K.

RETURN shewing the Amount of Assisted and Unassisted Immigration from the United Kingdom, from the 1st January, 1838, to the 31st December, 1862.

YEAR.	ASSISTED IMMIGRANTS.														UNASSISTED IMMIGRANTS.						TOTAL NUMBER OF ASSISTED AND UNASSISTED IMMIGRANTS.														
	NUMBER LANDED.						COST OF CONVEYANCE.								NUMBER LANDED.						TOTAL NUMBER OF ASSISTED AND UNASSISTED IMMIGRANTS.														
	Twelve Years and Upwards.*			Under Twelve Years.			Totals	Amount of Passage Money.	Amount of Gratuities to Surgeons, Officers, Constables, &c.	Amount of Demurrage.	Cost of Victualling, &c., incidental to detention of Ships in Quarantine, and on Demurrage.	Total Cost of Conveyance, including Gratuities, &c.	Paid by Immigrants, or out of Imperial Fund, 1848 to 1851 inclusive.	Paid by Residents in this Colony, under the Remittance Regulations, 1853 to 1857 inclusive.	Deposits under Assisted Immigration Regulations.	Total Charged on the Colonial Fund for Introduction of Immigrants.	Twelve Years and Upwards.			Under Twelve Years.			Totals	Twelve Years and Upwards.			Under Twelve Years.	GRAND TOTAL.							
M.	F.	Total.	M.	F.	Total.		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	M.	F.	Total.	M.	F.	Total.		M.	F.	Total.										
1838 to 1859 inclusive, as per previous annual reports	45369	48262	93631	14504	14339	28843	124975	1811506 3 5	107068 5 8	2649 8 11	2592 5 8	1923816 3 8	17812 9 9	38948 0 5	1867055 13 6	33243	15006	48309	4984	4767	111455	59764	78612	63328	141940	42799	184739								
	† Deduct—(See Note below)															16730	6811	23541	2492	2305	4797	28338	16730	6811	23541	4797	28338								
																16513	8255	24768	2492	2462	6358	31426	61882	56517	118399	38002	156401								
1860	1347	1230	2577	241	255	496	3073	42723 9 1	3355 8 0	.....	184 1 3	46262 18 4	.....	.....	46262 18 4	630	298	928	86	56	142	1120	2027	1528	3555	638	4193					
1861	797	594	1391	99	99	198	1589	23575 18 3	1778 14 0	.....	14 5 2	25368 17 5	.....	32364 4 3	25368 17 5	483	276	759	92	59	151	910	1280	870	2150	349	2499						
1862	1172	1047	2219	214	198	412	2631	31472 11 6	3264 14 0	.....	2 6 0	34739 11 6	.....	.....	34739 11 6	559	281	840	101	82	183	1023	1731	1328	3059	595	3654					
TOTALS...	48685	51183	99868	15058	14891	32450	132268	1909278 2 3	115467 1 8	2649 8 11	2792 18 1	2030187 10 11	17812 9 9	38948 0 5	1973427 0 9	18235	9110	27345	2771	2659	77134	34479	66920	60243	127168	30584	166747								
															32364 4 3			32364 4 3			1941062 16 6														

* Previous to the 1st October, 1855, the heading was *Fourteen Years* and upwards.
 † These totals include 2,501 children arrived in 1838, whose sexes were not distinguished in the Returns for that year.
 ‡ The Returns for the years 1856, 1857, and 1858, include all Immigrants from the adjacent Colonies and Port Curtis, instead of, from the "United Kingdom only." The necessary correction is therefore now made.
 § Amount of Deposits made in the three years ... £40,117 0 0
 Deduct Refunds made during the same period to Depositors, on account of their nominees not Emigrating... 7,752 15 9
 £32,364 4 3

|| These totals include 1,704 children, arrived in the years 1838 to 1845 inclusive, whose sexes were not distinguished in the Returns for that period.
 ¶ Exclusive of 24,942 Chinese Immigrants, arrived since 1st January, 1858.

Government Immigration Office,
 Sydney, 30 September, 1863.

GEORGE F. WISE,
 Agent for Immigration.

APPENDIX TO REPORT FROM IMMIGRATION AGENT—1862.

1149

L.

RETURN shewing the Number of Individuals for whose Passages and Outfits deposits were made under the Assisted Immigration Regulations in the Year 1862, with the Amount received under each head.

YEAR.	Number of Individuals.	Amount paid towards Passages.	Amount paid for Outfit.	TOTAL.
1862	4,804	£ s. d. 19,457 0 0	£ s. d. 1,688 8 6	£ s. d. 21,145 8 6

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.

M.

RETURN of the Number of Cabin and Steerage Passengers who arrived in the Colony of New South Wales by Sea, during the Year 1862 (exclusive of Government Immigrants and Chinese.)

PORT OF ARRIVAL.	FROM UNITED KINGDOM.				TOTAL.	FROM NEIGHBOURING COLONIES, INCLUDING NEW ZEALAND.				TOTAL.	FROM FOREIGN PORTS.				TOTAL.	GRAND TOTAL.	
	Adults.		Children.			Adults.		Children.			Adults.		Children.			M.	F.
	M.	F.	M.	F.		M.	F.	M.	F.		M.	F.	M.	F.		M.	F.
Sydney	559	281	101	82	1,023	6,240	1,671	517	430	8,858	404	105	35	22	566	7856	2591
Newcastle .. ..	..	..	..	..	..	885	93	44	36	1,058	..	..	..	..	..	929	129
Grafton .. ..	..	..	..	..	..	4	..	..	..	4	..	..	..	..	..	4	..
Twofold Bay ..	..	..	..	..	..	25	7	1	2	35	..	..	..	..	..	26	9
TOTALS ..	559	281	101	82	1,023	7,154	1,771	562	468	9,955	404	105	35	22	566	11,544	

W. A. DUNCAN,
Collector of Customs.

N.

RETURN shewing the number of Cabin and Steerage Passengers who departed from New South Wales, by Sea, during the Year 1862 (exclusive of Chinese.)

PORT OF DEPARTURE.	TO THE UNITED KINGDOM.				TOTAL.	TO THE NEIGHBOURING COLONIES, INCLUDING NEW ZEALAND.				TOTAL.	TO FOREIGN PORTS.				TOTAL.	GRAND TOTAL.	
	Adults.		Children.			Adults.		Children.			Adults.		Children.			M.	F.
	M.	F.	M.	F.		M.	F.	M.	F.		M.	F.	M.	F.		M.	F.
Sydney	351	240	88	81	760	8,866	1,945	544	505	11,860	563	174	71	54	862	10,483	2,999
Newcastle .. ..	..	..	..	..	..	184	44	11	12	251	137	48	10	7	202	342	111
Grafton .. ..	..	..	..	..	..	10	2	1	..	13	..	..	..	..	..	11	2
Twofold Bay ..	..	..	..	..	..	12	1	..	..	13	..	..	..	..	..	12	1
TOTALS ..	351	240	88	81	760	9,072	1,992	556	517	12,137	700	222	81	61	1,064	13,961	

W. A. DUNCAN,
Collector of Customs.

O.

RETURN shewing the Number of Chinese Immigrants who arrived in the Colony of New South Wales by Sea, during the Year 1862.

SHIP.	TONNAGE.	WHENCE FROM.	DATE OF ARRIVAL.	NUMBER OF DAYS ON PASSAGE.	NUMBER OF IMMIGRANTS.	
					Male.	Female.
Margaret Eliza	504	Hong Kong	12 January	64	119	....
Samuel Fall	750	Do.	25 January	110	162	....
Agincourt	985	Do.	10 February	56	312	....
Virginie	505	Do.	13 March	64	211	....
Pons O'Elu	467	Do.	15 March	69	218	....
Madeira	220	Mauritius	13 May	55	2	....
Mariposa	164	Melbourne	3 August	5	1	....
Briton's Queen	49	Hobart Town	22 December	5	3	....
Rebecca	68	South Sea Islands	26 November	18	2	....
TOTAL					1,030	....

W. A. DUNCAN,
Collector of Customs.

P.

RETURN shewing the Number of Chinese who departed *by sea*, from New South Wales, during the Year 1862.

SHIP.	TONNAGE.	WHITHER BOUND.	DATE OF DEPARTURE.	NUMBER OF EMIGRANTS.	
				Male.	Female.
Buena Vista	547	Hong Kong	20 January	53	....
Samuel Falls	751	Melbourne	21 February	3	....
Margaret Eliza.. ..	504	Hong Kong	6 March	171	....
Woodlark	237	South Sea Islands	11 April	3	....
Avon	1,051	Hong Kong	19 April	65	....
Dunphaile Castle	720	Do.	8 May	64	....
Sabrina	340	Do.	10 June	20	....
Hindoo	470	Do.	20 June	9	....
Atrevida.. ..	457	Do.	18 July	63	....
Antagonist	287	Do.	29 July	63	....
Violet	497	Do.	12 August	87	....
Revely	612	Do.	14 August	13	....
Shand	775	Do.	4 October	199	....
Vanquish	128	Melbourne	4 October	1	....
Buena Vista	661	Shanghai	29 October	1	....
Cumberland	926	Hong Kong	19 December	303	....
TOTAL				1,118	....

W. A. DUNCAN,
Collector of Customs.

Q.

FOREIGN IMMIGRATION.

RETURN shewing the number of Germans who arrived in this Colony from the Year 1851 to 1862, inclusive, introduced under Foreign Immigration Regulations.

SHIP.	DATE OF ARRIVAL.	GERMANS.						TOTALS.
		Adults.				Children under 12 years.		
		Married.		Single.		Males.	Females.	
		Males.	Females.	Males.	Females.			
San Francisco	31 March, 1852....	41	41	....	3	15	23	123
Reiherstieg	5 August, 1852....	28	23	14	3	13	10	96
Peter Godeffroy	25 October, 1852....	34	34	5	....	18	22	113
Cæsar Godeffroy	11 Decr., 1852....	18	18	1	2	7	7	53
Johan Cæsar	11 January, 1853....	40	40	8	2	19	16	125
Helene	18 March, 1853....	48	48	13	3	34	52	188
Triton	29 April, 1853....	34	34	4	....	13	8	93
Undine	12 Feb., 1855....	26	26	7	4	18	22	103
John Cæsar	— Feb., 1855....	29	28	149	5	22	10	243
Catteaux Wattel	9 March, 1855....	108	107	37	25	122	115	514
Cæsar	29 March, 1855....	70	64	21	12	52	56	275
Aurora	— March, 1855....	25	22	113	4	24	17	205
Commodore Perry	26 April, 1855....	66	66	24	9	56	54	275
Peru	23 May, 1855....	85	85	23	10	60	80	343
Wilhelmsberg	18 Septr., 1855....	25	25	10	11	19	20	119
Grasbrook	26 Septr., 1855....	16	14	77	1	3	2	113
San Francisco	20 Novr., 1855....	1	1	....	....	....	2	4
Marbs	— 1855....	38	32	134	4	17	11	236
Cæsar Godeffroy	8 March, 1856....	5	4	85	1	2	1	98
Iserbrook	— October, 1856....	8	8	77	8	2	....	103
TOTALS		745	725	802	107	506	537	3,422

Government Immigration Office,
Sydney, 30 September, 1863.

GEORGE F. WISE,
Agent for Immigration.